1	MARYLAND BOARD OF NURSING
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4	OPEN SESSION
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8	The Maryland Board of Nursing board meeting was
9	held on Wednesday, January 25, 2023, at 4140 Patterson
10	Avenue, Baltimore, Maryland 21215, commencing at 9:10
11	a.m. before Sabrina Boyd, Notary Public in and for
12	the State of Maryland.
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20	AUDIO RECORDING BY: Sabrina Boyd, Notary Public
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Τ	APPEARANCES:
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3	BOARD MEMBER APPEARANCES:
4	GARY HICKS, RN Member, Board President
5	ANN TURNER, RN Member, Board Secretary
6	M. DAWNE HAYWARD, RN Member
7	EMALIE GIBBONS-BAKER, APRN Member (via telephone)
8	AUDREY CASSIDY, Consumer Member
9	SUSAN STEINBERG, Consumer Member
10	ROBIN HILL, RN Member, LPN Educator
11	HEATHER WESTERFIELD, RN Member
12	CHRISTINE LECHLITER, RN Member
13	SUSAN LYONS, APRN Member
14	NICOLE BEESON, RN, Administrator Member
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1	ALSO PRESENT:				
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3	IMAN FARID, Health Policy Analyst (via telephone)				
4	PAIGE BAROCCA, LDEM				
5	CHANTE (phonetic)				
6	MAXINE TRANUM (phonetic)				
7	NIKKI WILLIAMS				
8	KAITLYN McDONALD (phonetic)				
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1 PROCEEDINGS
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- 2 MR. HICKS: All right. So, is there a motion
- 3 to approve the on-site report for Wor-Wic Community
- 4 College?
- 5 MS. ROBIN HILL: So moved. Dr. Robin.
- 6 MR. HICKS: Dr. Robin Hill.
- 7 MS. TURNER: Second. Ann Turner.
- 8 MR. HICKS: Turner. All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No oppositions)
- MR. HICKS: Motion carries.
- DR. GREEN: Thank you. Our final item before
- 14 (indiscernible) are (indiscernible) follow up
- 15 (indiscernible) determine the findings of our board
- 16 visit to (indiscernible) in December. Oh, I'm sorry. I
- 17 forgot to acknowledge you and thank you for being here.
- 18 I apologize for that. So, anyway, let me move down. The
- 19 fourth thing, Bowie State University, we did complete on-
- 20 site visit (indiscernible) licensure and myself on
- 21 September 13 through the 15th of 2022. We have already

- 1 presented those findings in our December 2022 report to
- 2 the board, which the board approved in terms of Bowie
- 3 State University being in full compliance with all
- 4 aspects from services with the board. But we wanted to
- 5 just come back. Although we mentioned in our documents
- 6 that we did discuss and had a preliminary ethical policy
- 7 while we were present. We completed and we wanted to
- 8 verify with the board that we do complete a follow up
- 9 just to indicate that we are in compliance with COMAR
- 10 10.27.02.14(d)10 regarding ethical policies also in
- 11 compliance, of course, with Maryland Higher Education
- 12 Commission. We (indiscernible) admissions at Middle
- 13 States Commission on Higher Education Standard II, Ethics
- 14 and Integrity. We verified information through nursing
- 15 student handbooks and Bowie State University through
- 16 discussions with the administrative team, nursing
- 17 education team at Bowie State in recognizing the policy
- 18 for identifying (indiscernible). We just wanted to have
- 19 that for the board's record and for our compliance with
- 20 the particular standard of, in terms of ethical practices
- 21 within the university. The recognition that we wanted to

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1 bring forward to the board just so we have that on the

- 2 record. Thank you.
- 3 MR. HICKS: And thank you, Dr. Green. Is there
- 4 any questions for Dr. Green? All right. Thank you, Dr.
- 5 Green.
- DR. GREEN: You're welcome.
- 7 MR. HICKS: I'm sorry. We do need approval for
- 8 that. So, is there a motion to approve?
- 9 MS. HAYWARD: Submitted.
- MR. HICKS: Hayward.
- MS. GIBBONS-BAKER: Second.
- MR. HICKS: Gibbons-Baker. All in favor?
- 13 ALL: Aye.
- MR. HICKS: Opposed?
- DR. JACQUELINE: And I recuse myself.
- MR. HICKS: Okay. Dr. Jacqueline now recuses
- 17 herself. I'm sorry. All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: The motion carries.

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1 DR. GREEN: Thank you.
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- 2 MR. HICKS: Thank you. All right. We'll move
- 3 down to legislative affairs. Iman, are you online?
- 4 MS. FARID: Yes. I am online. Can you hear
- 5 me?
- 6 MR. HICKS: Yes, ma'am.
- 7 MS. FARID: Good morning, everyone, and happy
- 8 Wednesday. We have two legislative items for this
- 9 morning. We're going to start with legislative item 7A.
- 10 This is a very brief presentation introducing the 2023
- 11 legislative action. First, the board has a legislative
- 12 committee. Currently, the committees meets weekly on
- 13 Tuesday afternoon from 4:00 to 6:00 p.m. The committee
- 14 is comprised of three board members, three to five board
- 15 staff, and two to three board council. The committee's
- 16 primary responsibility is to identify issues that are
- 17 suitable for legislative review, gather and evaluate
- 18 information, and then recommend a course of action. Some
- 19 additional duties of the committee include staying
- 20 informed of bills that are introduced during a legislate
- 21 session that impact the board's mission, its

- 1 constituents, and the safe practice of nursing, propose
- 2 amendments to statutes and regulations as necessary, to
- 3 request best practices, and to determine it fills in for
- 4 any physical, operational, or legal impact for the Board
- 5 of Nursing. The next slide I have is a brief timeline of
- 6 the legislative session. Really, the two things I would
- 7 like for you to note is that on January 11, the
- 8 legislative session began. And April 10 the current sine
- 9 die or adjournment of the legislative session. In
- 10 between those two dates, the board will be active in
- 11 providing testimony, written and oral, to the legislators
- 12 in general assembly as well as participating in
- 13 subcommittee work groups. The next slide I have is a
- 14 schematic of the life cycle of a bill. At the shortest,
- 15 a bill can be assigned to the board within one day of
- 16 being introduced and at the latest, a week after being
- 17 introduced. Essentially, a bill would be introduced to
- 18 the Maryland General Assembly. It will be reviewed by
- 19 MGA staff, which will then send over the bill if it's
- 20 related to public health, healthcare, or health
- 21 occupations to the Department of Health, specifically the

- 1 Office of Governmental Affairs, for further review. Once
- 2 the office within MDH determines that the issues is
- 3 related to health, public health, or healthcare, it will
- 4 be assigned to the appropriate administration. If it's,
- 5 for example, related to nursing, it will be assigned to
- 6 the Board of Nursing for further review. The Legislative
- 7 Committee will review the bill on a weekly basis and will
- 8 determine whether a position is needed to be taken. I,
- 9 as the legislative liaison, will present the board's
- 10 position back to the Office of General Assembly and
- 11 submit any written testimony if appropriate. And
- 12 finally, the last slide is just a brief review of the
- 13 different positions the board can take. I won't read the
- 14 descriptions, but I did want to note that there are three
- 15 main categories: positions that are neutral, positions
- 16 that are in favor, and positions that are in opposition.
- 17 I wanted to bring some historical data from the 2022
- 18 legislative session last year. The legislative committee
- 19 reviewed a total of 86 bills and submitted 49 letters, 36
- 20 of which of those bills the Board of Nursing has no
- 21 position on. So, the committee between the months of

- 1 January and April does review a large volume of bills and
- 2 elects to take positions when appropriate. And with
- 3 that, I will be happy to answer any questions you may
- 4 have.
- 5 MR. HICKS: All right. Are there any questions
- 6 for Iman?
- 7 MR. HICKS: Okay. All right. Okay, Iman. No
- 8 questions. We can move on to B.
- 9 MS. FARID: Yes. The next item is 76,
- 10 memorandum provides a list of bills that were assigned to
- 11 the board between the week of January 11 through the week
- 12 of January 23. The legislative committee requests the
- 13 board to ratify the positions that I will be reading.
- 14 First, we have House Bill 25, titled Public Health,
- 15 Healthy Maryland Program Establishment. This bill
- 16 establishes the Healthy Maryland Program as a public
- 17 corporation and a unit of state government to provide
- 18 comprehensive, universal, single payer healthcare
- 19 services to residents of the State of Maryland. The
- 20 board took no position. House Bill 28, titled Income Tax
- 21 Credit for Caregivers of Senior Family Members. This

- 1 bill allows a credit against the state income tax for
- 2 qualified expenses paid or incurred by a taxpayer during
- 3 the taxable year in caring for a qualified senior family
- 4 member. The board presented a letter of information with
- 5 amendments. House Bill 121, cross-filed with Senate Bill
- 6 8, Mental Health Treatment Plans for Individuals in
- 7 Facilities Requirements. This bill requires that a plan
- 8 of treatment for an individual with a mental disorder
- 9 include a certain discharge goal and an estimate of the
- 10 length of inpatient stay. This bill also requires that
- 11 facility staff review and (indiscernible) a treatment
- 12 plan within certain time periods and establishes certain
- 13 rights relating to the participation of family members
- 14 and the development, review, and reassessment of a plan
- 15 of treatment. And finally, this bill establishes an
- 16 appeals process relating to the review and reassessment
- 17 of a plan of treatment. The board took no position.
- 18 House Bill 136, Child Support Enforcement, Occupational
- 19 and Recreational Licenses, Taxpayer Identification
- 20 Numbers. This bill requires an applicant for a license
- 21 to disclose the Social Security number or taxpayer

- 1 identification number on their license and also the
- 2 duties of certain licensing authorities relating to the
- 3 suspension or denial of licenses for child support
- 4 arrearages. The board submitted a letter of information.
- 5 Senate Bill 64, HIV Prevention Drugs, Prescribing and
- 6 Dispensing by Pharmacists and Insurance Requirements.
- 7 This bill authorizes pharmacists to prescribe and
- 8 dispense post-exposure prophylactics for HIV prevention
- 9 to patients under certain circumstances and requires the
- 10 Maryland Medical Assistance Program to provide drugs that
- 11 are approved by the FDA for HIV prevention. And,
- 12 finally, this bill prohibits certain agencies from
- 13 requiring prior authorization for certain drugs and/or
- 14 therapies. The board submitted a letter of concern.
- 15 Senate Bill 78, titled Health Occupations, Service
- 16 Members, Veterans, and Military Spouses Temporary
- 17 Licensure Certification, Registration, and Permitting.
- 18 This bill requires health occupation boards to issue an
- 19 expedited temporary license certificate or permit to a
- 20 service member, veteran, or military spouse who meets
- 21 certain requirements and requires that each health

- 1 occupation form include a checkoff box prominently on an
- 2 application form. Finally, this bill requires NEH to
- 3 publish information on its website. The board submitted
- 4 a letter of information with amendments. And finally,
- 5 Senate Bill 104, Labor and Employment Apprenticeship and
- 6 Documentation on the Apprenticeship and Training Counsel.
- 7 This bill requires that the apprenticeship and training
- 8 counsel include representation by individuals who are
- 9 black and Latino and establishes apprenticeship 2030
- 10 commission to examine and make recommendations to expand
- 11 access to apprenticeship to reduce field shortages in
- 12 high demand occupations. And finally, this bill requires
- 13 the governors include an appropriation in the
- 14 (indiscernible).
- 15 (Crosstalk)
- 16 I'm sorry. Someone is speaking. Can you
- 17 please mute your phones? Thank you. And with that, I
- 18 would be happy to answer any questions.
- 19 MR. HICKS: Any questions for Iman? All right.
- 20 Hearing none, thank you, Iman. So, we'll take a vote to
- 21 approve the recommendations by the legislative committee

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1 as Iman outlined. Is there a motion to approve?
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- 2 DR. HILL: So moved. Robin Hill.
- 3 MR. HICKS: Dr. Robin Hill, Gibbons-Baker. All
- 4 in favor?
- 5 ALL: Aye
- 6 MR. HICKS: Opposed?
- 7 (No oppositions)
- 8 MR. HICKS: The motion carries. All right.
- 9 Thank you, Iman.
- 10 MS. FARID: Thank you.
- 11 MR. HICKS: All right. We'll go down to direct
- 12 into midwifery wives and electrology. Monica?
- MS. MENTZER: Yes. Good morning, everyone.
- 14 ALL: Good morning.
- MS. MENTZER: How are you? Happy New Year.
- Okay. So, we're going to start with 8A. This
- 17 is a request to the board for an appointment. The
- 18 Maryland Board of Nursing direction to Midwifery Advisory
- 19 Committee Annotated Code of Maryland Health Occupations
- 20 Article Title VIII, Subtitle 16, Section 8-6B-11 provides
- 21 for membership. The committee consists of seven members

- 1 appointed by the board. The following Direct Entry
- 2 Midwifery Advisory Committee member has completed
- 3 appointment terms to the committee on December 31, 2022.
- 4 That was Ms. Jan Krebs, Certified Nurse Midwife, CNM
- 5 member. The following committee member is unable to
- 6 attend the committee meetings and has notified the
- 7 committee that she will need to resign her duties from
- 8 the committee, Dr. Monica Buche, M.D. an H.N.
- 9 representative. The committee therefore requests to the
- 10 board consideration of the board to provide for
- 11 appointments for the above open positions to the
- 12 committee. I should also have information on this --
- 13 Nothing for Dr. Monica Boucher, but for Ms. Jan Krebs,
- 14 one of the individuals that has contacted the Board of
- 15 Nursing to consider the board appointing her. Do you
- 16 have any questions?
- 17 MR. HICKS: Any questions for Monica? All
- 18 right. So, is there a motion to approve Dr. Mairi Breen
- 19 Rothman for the Direct-Entry Midwifery Advisory
- 20 Committee?
- MS. GIBBONS-BAKER: So moved. Gibbons.

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1 MR. HICKS: Gibbons-Baker.
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- MS. LYONS: Second, Lyons.
- 3 MR. HICKS: Lyons. All in favor?
- 4 ALL: Aye
- 5 MR. HICKS: Opposed?
- 6 (No opposition)
- 7 MR. HICKS: Motion carries. All right.
- 8 Monica, while you're there, do you want to do your
- 9 quarterly report?
- 10 MS. MENTZER: Yes. We're going to move down to
- 11 9D, this is the Direct-Entry Midwifery Advisory
- 12 Committee, second quarter fiscal year 2023 report to the
- 13 board. Meetings: The committee holds scheduled meetings
- 14 monthly on the first Friday of each month. The committee
- 15 meets as necessary to conduct committee business.
- 16 Meetings are held when there are sufficient agenda items
- or when the board receives applications for initial
- 18 licensure or renewal of licensure as a direct-entry
- 19 midwife. During the second quarter of FY 2023 from
- 20 October 1 through December 31, 2022, the committee met
- 21 three times; October 14, November 4, and December 2.

- 1 Licensees during the FY '23 second quarter, there were 32
- 2 active direct-entry midwives licensed in Maryland.
- 3 Status of work completed: Pursuant to in accordance with
- 4 Maryland Code Health Occupations 8-6B-10, LDEMs are
- 5 required to complete and submit an annual data collection
- 6 form approved by the Maryland Board of Nursing on an
- 7 annual basis by October 1 of each year. The annual data
- 8 collection form requires LDEMs to report certain data to
- 9 the board regarding their clients and practice between
- July 1 and June 30 of each year of the reporting period.
- 11 At its October 14, 2022, the committee reviewed and
- 12 aggregated the data from the reporting period submitted
- 13 by the LDEMs and discussed the committee's
- 14 recommendations regarding the following at its November
- 15 4, 2022 committee meeting: The continuation and
- 16 improvement of the licensure of licensed direct-entry
- 17 midwifes in the state, any recommendations regarding
- 18 expanding the scope of practice of licensed direct-entry
- 19 midwives, and any recommendations including
- 20 recommendations for legislation regarding the scope of
- 21 practice of licensed direct-entry midwives to include

- 1 vaginal birth after cesarean. The committee reported the
- 2 results of the aggregated data from 35 annual data
- 3 collection forms received by the board and the committee
- 4 recommendations approved by the committee members on
- 5 November 4, 2022 to the Maryland Board of Nursing at its
- 6 November 16, 2022 open session board meeting. The board
- 7 reviewed the committee's report and recommendations and
- 8 submitted the board's required direct-entry midwives'
- 9 annual report to the legislature by December 1 of 2022.
- 10 Work in progress: The committee received a request from
- 11 Ms. Nikki Williams, LDEM, on behalf of the Association of
- 12 Independent Midwives of Maryland on October 14, 2022 for
- 13 the committee to review. A copy of this letter is
- 14 attached to this report. The committee reviewed the
- 15 letter at its meeting on November 4, 2022. Additional
- 16 information will be presented to the board at an open
- 17 session meeting later today. At the request of Ms. Paige
- 18 Barocca, LDEM and member of the committee, the committee
- 19 was asked to provide a template for an individual
- 20 transfer care plan as guidance for LDEMs on the Maryland
- 21 Board of Nursing website. The committee and the board

- 1 have previously provided such a document. The committee
- 2 reviewed a prior copy of the document at its meetings on
- 3 November 4 and December 2, 2022 for any necessary changes
- 4 or updates, specifically to be consistent with current
- 5 law and applicable community standards. The committee
- 6 will further review the proposed changes at its committee
- 7 meeting on January 6, 2023. Membership on the committee:
- 8 The third appointment to the board by the board is a
- 9 member on the committee representing the Maryland
- 10 Hospital Association is Dr. Monic Buche, M.D. At the
- 11 board's meeting on December 14, 2022, the committee
- 12 notified that board that Dr. Buche has resigned and the
- 13 board will need to make an appointment for the position
- 14 vacated by Dr. Buche's resignation to represent the MHA
- 15 on the committee. At its board's open session meeting on
- 16 December 14, 2022, the board appointed Ms. Tess Brody,
- 17 LDEM, license number DEM00029 to the committee, effective
- date January 1, 2023, to replace Ms. Karen Webster, LDEM,
- 19 whose term expired on December 31, 2022. At the board's
- 20 open session meeting on December 14, 2022, the committee
- 21 requested that the board appoint an advanced practice

- 1 registered nurse/Certified Nurse-Midwife licensed in
- 2 Maryland to the committee to replace Ms. Jan Krebs,
- 3 Certified Nurse-Midwife whose second term expired on
- 4 December 31, 2022. The next meetings of the Direct-Entry
- 5 Midwifery Advisory Committee occurred on January 6 and
- 6 are scheduled for February 3 and March 3, 2022. Do you
- 7 have any questions about the quarterly report for the
- 8 Direct-Entry Midwifery Advisory Committee?
- 9 MR. HICKS: Any questions? All right. Hearing
- 10 none, is there a motion to approve quarterly report for
- 11 the Direct-Entry Midwifery Advisory Committee?
- MS. HAYWARD: So moved Hayward.
- MR. HICKS: Ms. Hayward.
- MS. WESTERFIELD: Westerfield.
- MR. HICKS: Westerfield. All in favor?
- 16 ALL: Aye.
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries.
- 20 MS. MENTZER: Okay. And then moving down to
- 21 9E, this is the quarterly report to the Board of Nursing

- 1 from the Electrology Practice Committee for the second
- 2 quarter FY 2023. Meetings: The Electrology Practice
- 3 Committee meets as necessary to conduct committee
- 4 business. The meetings were held when there is
- 5 sufficient agenda items or when the Maryland Board of
- 6 Nursing receives initial or renewal applications for
- 7 licensure as an electrologist or electrology instructor.
- 8 The committee met three times during the second quarter
- 9 of FY 2023 on October 5, November 2, and December 7,
- 10 2022. Currently, there are 50 active electrologists and
- 11 two active electrology instructors licensed in Maryland.
- 12 Status of work completed: The committee conducted a
- 13 final review for two applicants for initial licensure to
- 14 practice electrology on December 7, 2022 and were able to
- 15 recommend to the board to approve the two applicants, Ms.
- 16 Jacqueline Tedros (phonetic) and Ms. Ahuba Boken
- 17 (phonetic) as meeting all of the minimum requirements for
- 18 initial licensure to practice electrology in Maryland.
- 19 At its open session board meeting on December 14, 2022,
- 20 the board accepted the committee's recommendation for
- 21 approval to license Ms. Jacqueline Tedros and Ms. Ahuba

- 1 Boken to practice electrology in the State of Maryland.
- 2 On December 27, 2022, pursuant to the board's approval,
- 3 the board issued licenses to practice electrology in the
- 4 State of Maryland to Ms. Jacqueline Tedros, license
- 5 number E01478 and Ms. Ahuba Boken, license number E01477.
- 6 The board also sent a letter of notification of licensure
- 7 to each of the newly licensed electrologists by US Postal
- 8 Service on December 27, 2022. Review of reinstatement
- 9 and reinstatement applications for licensure as
- 10 electrologists and/or electrology instructor: The
- 11 committee received and reviewed one application for
- 12 reactivation of an electrology license that the board
- 13 placed on inactive status. The committee reviewed and
- 14 completed its review of the completed application at its
- 15 meeting on December 7, 2022 and recommended to the board
- 16 that the board approve the reactivation of the
- 17 electrology license of Ms. Deborah Winter (phonetic),
- 18 license number E01457. And on December 14, 2022, at its
- 19 open session board meeting, the board approved the
- 20 reactivation of the electrology license of Deborah
- 21 Winter, license number E01457. Status of work in

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1 progress: At its December 7, 2022 meeting, the committee
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- 2 members requested that the committee review the current
- 3 approved clinical examination form and the Maryland Law
- 4 Examination Exam to update the documents. The committee
- 5 began the process of updating both documents and will
- 6 continue to review both documents at its next scheduled
- 7 committee meeting. Membership: Ms. Debra Larsen, LE,
- 8 chair of the committee, has completed her second four-
- 9 year term as a committee member on June 30, 2021. The
- 10 committee has posted a notice on its website requesting
- 11 interested electrologists who are licensed and meet all
- 12 of the requirements for an appointment on a committee to
- 13 submit a letter of interest with resume to the board. To
- 14 date, the board has not received any potential candidate
- 15 interested in being considered for an appointment to
- 16 replace Ms. Larsen. Ms. Larsen is able to continue to
- 17 serve unless and until a successor is appointed and
- 18 qualifies in accordance with Maryland Code Annotated
- 19 Health Occupations Section 8-6B-05(f)(3). Meetings: The
- 20 next meetings of the committee occurred on January 11 and
- 21 are scheduled for February 8, 2023 and March 8, 2023.

- 1 Are there any questions about the Electrology Practice
- 2 Committee second quarter FY '23 quarterly report to the
- 3 board?
- 4 MR. HICKS: All right. Hearing none, is there
- 5 a motion to approve the Electrology Practice Committee's
- 6 Quarterly Report? Steinberg.
- 7 MR. HICKS: Ms. Steinberg. Lechliter?
- 8 MR. HICKS: Lechliter. All in favor?
- 9 ALL: Aye.
- MR. HICKS: Opposed?
- 11 (No opposition)
- 12 MR. HICKS: Motion carries. Thank you, Monica.
- MS. MENTZER: Yes. Thank you.
- MR. HICKS: And we'll go back up to A under 9,
- 15 that's disciplining Lions (phonetic) program. Amber.
- MS. BERNAL: Good morning. I'm Amber Havens
- 17 Bernal with the Discipline Program of the board's
- 18 Enforcement Division. I have the last quarter of 2022
- 19 report for the Discipline Program and the Compliance
- 20 Program. During the last quarter, there were 22 cases
- 21 voted for charges and transferred to the Office of the

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1 Attorney General for handling. A total of nine summary
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- 2 suspension orders were issued. This includes orders
- 3 continuing summary suspensions. Three cases were
- 4 scheduled for case resolution conference. Two consent
- 5 orders were executed. One voluntary surrender. Once
- 6 case was voted to rescind and desist. Two default cases
- 7 were sanctioned and the board held 11 hearings. That's
- 8 both evidentiary and show cause. Now, compliance, there
- 9 was one probation order initiated. No reprimands with
- 10 conditions initiated. One case was scheduled to the
- 11 program case manager. One probation order was
- 12 terminated. One case was presented to the board for
- 13 violation of probation and there are a total of 61 cases
- on probation with the board. Are there any questions?
- 15 MR. HICKS: Any questions for Amber? Hearing
- 16 none, is there a motion to approve the disciplinary
- 17 findings? All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: Motion carries. Thank you, Amber.

- 1 MS. BERNAL: Thank you.
- 2 MR. HICKS: We'll go down to State Practice.
- 3 Valencia?
- 4 MS. JACKSON: Good morning, everyone. My name
- 5 is Valencia Jackson. I'm the State Practice coordinator
- 6 here at the board. Today's staff was October through
- 7 December of 2022. A meeting scheduled, and held two per
- 8 month for a total of six. Scheduled for committee
- 9 meetings October 24, November 15, December 13 for a
- 10 quarter total of 52. New agreements given October, 3,
- 11 November, 3, December, zero, for a quarter total of six.
- 12 Expelled, October, one, November, three, December, one,
- 13 for a quarter total of five. Successfully discharged
- 14 from the program October, one, November, zero, December,
- 15 zero, for a quarter total of one. And active
- 16 participants, October, 65, November, 65, and December, 64
- 17 for a current total of 64 positions. Anyone have any
- 18 questions?
- 19 MR. HICKS: Anyone have any questions? And
- 20 hearing none, is there a motion to accept the quarterly
- 21 report for the State Practice Committee?

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1 MR. HICKS: Gibbons-Baker.
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- MS. HAYWARD: Second.
- 3 MR. HICKS: Hayward. All in favor?
- 4 ALL: Aye.
- 5 MR. HICKS: Opposed?
- 6 (No oppositions)
- 7 MR. HICKS: Motion carries. Thank you,
- 8 Valencia. We'll go down to Investigation Status Reports.
- 9 Chante (phonetic)?
- 10 CHANTE: Good morning.
- 11 So, for CID, complaints received for October,
- 12 63, November, 75, and December, 69 for a quarter total of
- 13 207. I just want to remind everyone for October,
- 14 November, December we only have one triage meeting each
- 15 month due to holidays. Complaints closed by take no
- 16 action. October, 21, November, 44, December, 30, for a
- 17 quarter total of 95. Complaints closed by charges.
- 18 October, seven, November, four, December, two, for a
- 19 quarter total of 13. Cold cases, complaints closed by
- 20 state no action backlog review. October, 18, November,
- 21 46, and December, zero, for a quarter total of 164.

- 1 Complaints, cold case complaints closed administratively.
- October, eight, November, five, December, eight, for a
- 3 quarter total of 21. Average number of days between
- 4 receipt of complaint and report of investigation
- 5 submission. October, 287, November, 79, December, 118
- 6 for a quarter average of 161 days. Our total open
- 7 complaints. Cold case, which is 2018 and further -- that
- 8 -- between that time, 3,931. Our current case total is
- 9 2,937. Any questions?
- 10 MR. HICKS: Any questions?? Thank you, Chante.
- 11 CHANTE: You're welcome.
- 12 MR. HICKS: Oh, I'm sorry. Is there a motion
- 13 to approve the quarterly report for the investigations?
- MR. HICKS: Steinberg.
- MS. LECHLITER: Second.
- MR. HICKS: Lechliter. All in favor?
- 17 ALL: Aye.
- MR. HICKS: Opposed?
- 19 (No opposition)
- 20 MR. HICKS: Motion carries. Thank you. All
- 21 right. Moving down to Fiscal Management and Maxine.

- 1 MS. TRANUM: Good morning, everyone. My name
- 2 is Maxine Tranum (phonetic) and I'm the agency fiscal
- 3 officer. Just wanted to prepare you a quick overview of
- 4 the quarter two FY '23 budget and how we ended. Year to
- 5 date quarter two adjustment net for FY '23 ending in a
- 6 deficit. FY '23 quarter two gross net profit at the end
- 7 of the quarter was in the black, however, as we deducted
- 8 out our fees and as our expenses continue to grow, that
- 9 left us with a deficit. Expenses continue to increase
- 10 across the fiscal years. If you look from 2021 to 2023
- 11 they increased as everything else continues to increase.
- 12 The adjusted net for FY '23 quarter two compared to FY
- 13 '22 quarter two showed a significant decline from
- 14 \$383,390.00 to negative \$42,215.00. In summary, we have
- 15 to find ways to generate revenue.
- MR. HICKS: Maxine, you talk about deficit. In
- 17 terms of dollars, what does that look like?
- 18 MS. TRANUM: Not good at all. As we progress
- 19 through the rest of the FY '23 fiscal year, it's just
- 20 going to get worse, because we have a lot of unallocated
- 21 expenses for IT, there's always something coming up.

- 1 When we did the upgrade on the boardroom, we really --
- 2 That really wasn't budgeted as well. I mean, we're just
- 3 -- It's, like, everything is just increasing in terms of
- 4 expenses and we just have no revenue coming in other than
- 5 what, you know, what we're allotted at the beginning of
- 6 the FY year.
- 7 MR. HICKS: What I meant by that was, do you
- 8 have a dollar amount that is -- overall that's a number.
- 9 MR. TRANUM: I don't. Other than when I do the
- 10 quarterly and right now it's negative \$43,000.00. I
- 11 mean, I could try and do an estimate of the complete year
- 12 because basically how it works is that when we have
- 13 unallocated expenses come in, I have to factor all that
- 14 in in terms of hiring positions as well.
- 15 MR. HICKS: Is there a specific -- And I'm not
- 16 sure how you do your budgeting, but is there a specific
- 17 cost center or a specific line item that you're finding
- 18 is the most significant deficit?
- 19 MS. TRANUM: Not necessarily. For the most
- 20 part, most things are pretty much on target. IT is
- 21 really going to just obliterate us because of the fact

- 1 that, you know, with the network problem and we're going
- 2 with the Dewey (phonetic). That's going to be a huge
- 3 expense. Yeah, that's going to be a huge expense.
- 4 MR. HICKS: Thank you for that.
- 5 MS. TRANUM: Mm-hmm.
- 6 MR. HICKS: (Indiscernible) wanted you to
- 7 address how we're dealing with the deficit in terms of
- 8 (indiscernible) legislators.
- 9 MS. TRANUM: Yes.
- 10 MR. HICKS: Just so the people understand that
- 11 we're just not listening. That there is the deficit and
- 12 it is what it is but we're trying to take action over
- 13 what we're doing in terms of (indiscernible) deficit that
- 14 we already have..
- MS. TRANUM: It basically, it boils down to we
- 16 need to raise fees significantly. I heard about the
- 17 really good program that the University of Maryland St.
- 18 Joseph has with Baltimore County. That would be a great
- 19 opportunity to market and if we could increase our fees.
- 20 Because that's a lifechanging experience. And if more
- 21 people knew about that, I'm sure that would garner some

1 interest and if we could increase our fees that would

- 2 probably be a game changer.
- 3 MR. HICKS: So --
- 4 UNIDENTIFIED SPEAKER: I agree with the fees.
- 5 We have not raised our fees since 2008. The reason for
- 6 that, a 2016 email went out from Governor Hogan's office
- 7 stating that we were unable to raise our fees. Not just
- 8 this quarter, but --
- 9 MS. TRANUM: Is there any particular reason?
- 10 UNIDENTIFIED SPEAKER: I'm sorry?
- 11 MS. TRANUM: Did he give any particular reason?
- 12 UNIDENTIFIED SPEAKER: I don't (indiscernible).
- MS. TRANUM: I mean because everything keeps
- 14 increasing. I don't understand how they feel like we
- 15 shouldn't increase our fees if everything else is
- 16 increasing.
- 17 MR. HICKS: I think it was kind of in line with
- 18 his -- yeah. His position is that, you know, he wanted
- 19 to kind of keep things under containment in terms of cost
- 20 for the citizens in the State of Maryland.
- 21 UNIDENTIFIED SPEAKER: (Indiscernible) costs?

- 1 MS. TRANUM: Nobody else seems to be taking
- 2 that into consideration. I mean, well, everything is
- 3 just so expensive now.
- 4 UNIDENTIFIED SPEAKER: I take it into
- 5 consideration because I have a son (indiscernible). For
- 6 the whole time I've been here for five years, I've been
- 7 asking for an increase.
- 8 MS. TRANUM: It's desperately needed for our
- 9 fees. It's desperately needed.
- 10 UNIDENTIFIED SPEAKER: Correct. Because
- 11 nothing -- I mean, with the renovation, our rent went up
- 12 about \$10,000.00. Excuse me. That was before you came
- 13 on board, Maxine. And then for the renovations, there
- 14 were extra things added on and it also hit at the time of
- 15 COVID. So, with COVID, all the prices went sky high.
- 16 So, we can pay for something that probably wasn't as
- 17 high, but we had to pay for the high. And then we were -
- 18 Also during COVID, we had to, of course, put it on the
- 19 COVID item so the staff could (indiscernible) you know,
- 20 (indiscernible) and all of those other things. So, that
- 21 really took a big chunk, both those things took a big

- 1 chunk on top of our rent in 2020 and 2021. The rent is
- 2 still the same for right now. But other things happened.
- 3 Like, when we had to send things out of hearing here into
- 4 another agency, that cost (indiscernible). It cost a
- 5 pretty significant amount of money.
- 6 MS. TRANUM: No. That line item is done in
- 7 terms of (indiscernible).
- 8 UNIDENTIFIED SPEAKER: I understand.
- 9 MS. TRANUM: Yeah.
- 10 UNIDENTIFIED SPEAKER: I understand. Yes.
- 11 MS. TRANUM: That line item is done.
- 12 UNIDENTIFIED SPEAKER: But there's still
- 13 things, you know, for us to proceed as a board there's
- 14 still things we have to do fiscally.
- MS. TRANUM: Sure.
- 16 UNIDENTIFIED SPEAKER: One of the areas that I
- 17 am asking for is that currently, we cannot accept any
- 18 funds from anyplace else. And that's a statute we're
- 19 under. Statutory laws. So, I'm asking to open that up so
- 20 that we can apply for emergency.
- MS. TRANUM: Very good.

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1 UNIDENTIFIED SPEAKER: In other items.
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- 2 MS. TRANUM: Very good.
- 3 UNIDENTIFIED SPEAKER: I sat on one person's
- 4 committee, the National Advisory Committee of the Nursing
- 5 Education Practice. They have lots of ways that I would
- 6 love for us to participate in. So, that's one avenue.
- 7 MS. TRANUM: Would be very helpful.
- 8 UNIDENTIFIED SPEAKER: Yeah. The basic one is
- 9 increasing our fees. Do you know how many cost of living
- 10 has happened since --
- 11 MS. TRANUM: Exactly.
- 12 UNIDENTIFIED SPEAKER: 2008?
- MS. TRANUM: Exactly.
- 14 UNIDENTIFIED SPEAKER: We've all changed our
- 15 cell phone probably about five times since 2008. So,
- 16 potentially, today and tomorrow, Ms. Scott and I have a
- 17 list of things tomorrow where we're going to the
- 18 legislators. We go to the Finance Committee today. We
- 19 go to the Health and Government Committee tomorrow to
- 20 review with them the challenges that we have on both
- 21 days. Now, I have not been quiet on the challenges.

- 1 Every meeting we go to I'm sure I'm like a broken record
- 2 by now. I speak about the board's plight. I've met with
- 3 several legislators. In the interim last year and this
- 4 year about our concerns and additionally, we need staff.
- 5 If you look at the numbers that we have for cases.
- 6 MS. TRANUM: Yeah.
- 7 UNIDENTIFIED SPEAKER: It's not that we don't
- 8 want to get them done.
- 9 MS. TRNAUM: Mm-hmm.
- 10 UNIDENTIFIED SPEAKER: We definitely want to
- 11 get them done but we can't afford investigators.
- MS. TRANUM: Yeah.
- 13 UNIDENTIFIED SPEAKER: We have a lot of high
- 14 priority cases right now. Seems to have slowed down
- 15 during COVID and of course that was an interesting time.
- 16 And now picking it back up. And that's putting a major
- 17 strain. And I don't want to lose any (indiscernible) we
- 18 have. They're doing a great job.
- MS. TRANUM: Mm-hmm.
- 20 UNIDENTIFIED SPEAKER: But they're tapped out.
- 21 The rest of the staff is tapped out because I'm given an

- 1 overtime (indiscernible). Whatever I can do. They're
- 2 coming in on Saturdays just to see what we can do to
- 3 catch up. It's still not enough.
- 4 All I can say is since 2010, 2013, there were
- 5 two legislative reports. No action on those. All those
- 6 were two legislators on (indiscernible). In 2021, we had
- 7 another chairman's report. All three of them say the
- 8 same thing. We recently had a DLS report saying that our
- 9 two major areas are finance, IT, and the reports. Those
- 10 are the three major areas.
- 11 MS. TRANUM: Well, what is it that they're not
- 12 understanding about the challenges that we have? I mean,
- 13 we can't process more if we have no staff.
- 14 UNIDENTIFIED SPEAKER: That -- See, I just love
- 15 the enthusiasm.
- MS. TRANUM: I mean, yeah. I don't understand
- 17 it.
- 18 UNIDENTIFIED SPEAKER: -- answer all of these
- 19 questions. But I can't get into the minds of others.
- 20 All I can do is continue to do what I do. And that
- 21 is to request help, okay. So, I don't have all the

1 answers. That's why I'm going today and tomorrow to

- 2 plead our case.
- 3 MS. TRANUM: I hope you can make an impact. I
- 4 do.
- 5 UNIDENTIFIED SPEAKER: Yeah. I mean, it -- We
- 6 could always write a letter to your legislators About
- 7 the plight of the board. So, I mean, we're doing great
- 8 work. We've made a lot of major changes here as a board
- 9 for the good of our procedures and most importantly, for
- 10 the good of the patients. You know, public safety.
- 11 We'll increase that tremendously. But, it's still
- 12 putting a hold on us right now because we don't have
- 13 enough staff and money to do the things we want to do.
- 14 Because we want to hire --
- 15 MS. TRANUM: Yes.
- 16 UNIDENTIFIED SPEAKER: We don't want to hire
- 17 anyone. We want to hire individuals that come with
- 18 skills to help us move this along, right? So --
- 19 MS. TRANUM: And I do think for the manpower we
- 20 do have that we're doing a great job. I mean, I know
- 21 there are complaints. But I just think everybody works

1 hard and I think everybody is doing the best that they

- 2 can.
- 3 UNIDENTIFIED SPEAKER: Yes. And, you know,
- 4 like our phone system. You know, we just got a notice
- 5 (that, you know, we only have six weeks to change our
- 6 phones. Right now it's four weeks to change our phone
- 7 system because we (indiscernible). So, and that's what
- 8 we will do. Because we want to continue. So, we're
- 9 working on that. So, working the best we can with what
- 10 we --
- 11 MS. TRANUM: Okay. Okay.
- 12 MR. HICKS: So, two things. One, is there a
- 13 motion to approve the fiscal management quarterly report?
- MS. HAYWARD: Hayward.
- 15 MR. HICKS: Gibbons-Baker -- or, Hayward.
- 16 All in favor?
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries. Understanding
- 20 where we are from a fiscal perspective and where Maxine
- 21 in terms of raising rates as one avenue to help get us

- 1 out of this deficit. I'm going to propose or ask the
- 2 board if somebody would like to make a motion to develop
- 3 a change in our fee structure that we could utilize to
- 4 take to legislators or fiscal or the secretary or whoever
- 5 will hear it with proposals of what those changes would
- 6 look like for all of our licensees and certificate
- 7 holders. So, understanding that it would just be simply
- 8 a proposal that we could draw up and then obviously
- 9 present to you all as a board before we present it to
- 10 anyone else. You know, we'll see what happens to try to
- 11 move forward.
- 12 UNIDENTIFIED SPEAKER: Yeah, you can propose
- 13 amendments to the regulations and the fees. And I $\operatorname{\mathsf{--}}$ You
- 14 know, the worst that will happen is that the secretary
- 15 and AELR will deny it. But, I mean, you have the
- 16 authority to move forward with developing amendments to
- 17 your regulations and submitting.
- 18 UNIDENTIFIED SPEAKER: (Indiscernible). So,
- 19 just asking for it.
- 20 UNIDENTIFIED SPEAKER: Right.
- 21 UNIDENTIFIED SPEAKER: Present something

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1 (indiscernible).
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- 2 UNIDENTIFIED SPEAKER: Right.
- 3 MR. HICKS: Being almost a formal request.
- 4 So if someone wants to make the motion?
- 5 UNIDENTIFIED SPEAKER: I'll make the motion.
- 6 MR. HICKS: Alma.
- 7 UNIDENTIFIED SPEAKER: I'll second.
- 8 MR. HICKS: All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No opposition)
- MR. HICKS: Motion carries. So, we'll work on
- 13 what that fee structure would look like and bring it back
- 14 to the board for review. All right. Thank you.
- MS. TRANUM: Thank you.
- MR. HICKS: Hang in there.
- MS. TRANUM: Okay.
- 18 MR. HICKS: All right. We're going to move
- 19 down to Item 10. Heather, is Ms. McDonald or Ms. Paige
- 20 Barocca here? Or online?
- 21 MS. McDONALD: Yes, sir. This is Kaitlyn

- 1 McDonald. I'm here. I am not sure Paige is, because I
- 2 can't see everybody's names.
- 3 MR. HICKS: Okay. I understand that you wanted
- 4 to address the board this morning?
- 5 MS. McDONALD: Sure. And let me introduce
- 6 myself again. My name is Kaitlyn McDonald. I'm grateful
- 7 to you and to the board for letting me address you today.
- 8 I represent two organizations that have an interest in
- 9 the function of like (indiscernible) direct-entry
- 10 midwives here in Maryland. One actually mentioned
- 11 earlier is the Association of Independent Midwives of
- 12 Maryland, which is the professional association for
- 13 Maryland's (indiscernible) institution midwives. Our
- 14 membership includes both Limes and Nurse-Midwives who
- 15 primarily provide services in a home birth or out of
- 16 institution setting.
- 17 MR. HICKS: Ms. McDonald?
- 18 MS. McDONALD: I also represent a patient to
- 19 (indiscernible) group for Maternal Health Services,
- 20 Maryland Families for Safe Birth. And this is going to
- 21 be kind of like our consumers for the home birth

- 1 community.
- 2 MR. HICKS: Ms. McDonald?
- 3 MS. McDONALD: I'm sorry.
- 4 MR. HICKS: I'm sorry. Can you hold on one
- 5 second?
- 6 MS. McDONALD: Sure. No problem. There's
- 7 someone in the room, so we're just trying to understand.
- 8 MS. WILLIAMS: I'm Nikki Williams. I'm the
- 9 president of AIM that she mentioned, so.
- 10 UNIDENTIFIED SPEAKER: Okay.
- 11 MR. HICKS: I'm sorry.
- MS. WILLAIMS: I will be addressing
- 13 (indiscernible).
- MR. HICKS: Speak up a little bit louder.
- MS. WILLIAMS: Nikki Williams, the president of
- 16 the Association of Independent Maryland Midwives.
- 17 MR. HICKS: All right. So, Ms. McDonald, just
- 18 so you know, Ms. Williams is in the room.
- 19 MS. McDONALD: Great. Thank you. Hi, Nikki.
- 20 So, and I'm happy because there's two issues we just
- 21 wanted to raise to the board's attention for your

- 1 consideration and hopefully, you know, work on going
- 2 forward for some clarification on these two points.
- 3 (Indiscernible) and then since we do have Nikki and
- 4 Paige, some of our actual practicing LDMs, they would be
- 5 able to speak in a little bit more detail. But, so, the
- 6 first has to deal with our midwifery students, primarily
- 7 LDEM midwifery students and seeking some clarification
- 8 around the exemption in how the DEM Practice Act where a
- 9 student can, you know, has been exempted from needing a
- 10 license to practice midwifery when there in an approved
- 11 educational program and provided services under the
- 12 supervision of a licensed midwife. So, you know, a
- 13 couple things have happened since our initial licensure
- 14 legislation passed in 2015. A subsequent bill was passed
- 15 in 2018 that updated the different educational paths that
- 16 a CPM or an LDEM can take for licensure in Maryland to
- 17 include the Bridge Program through our certifying body,
- 18 NARM, the North American Midwifery Registry if I have
- 19 that right. So, here's our issue. For licensure
- 20 purposes, all our education programs, whether it be a
- 21 unique accredited school or either the Bridge Program

- 1 through NARM, you know, all about the paths that we have
- 2 had LDEMs successfully teach licensure in the state.
- 3 Where we're seeing a little bit of a disconnect is when
- 4 we have students working with our licensed midwives as
- 5 part of their training. We've had some issues where
- 6 they've been seen as practicing midwifery without a
- 7 license. So, all we're really seeking is a clarification
- 8 that all of those educational programs that are listed in
- 9 the statute and all their components are viewed as valid
- 10 educational programs for that exemption. You know, we
- 11 did discuss this in the LDEM Advisory Committee as Monica
- 12 mentioned at the November meeting. And we though, you
- 13 know, one proposal that the board may want to consider to
- 14 help clarify this is to update the underlying regulations
- 15 to reflect the same language that's currently included in
- 16 the statute. It was my understanding from the board that
- 17 that's something that's been under consideration, it just
- 18 hand, you know, gone through the, you know, the full
- 19 regulatory processes in the Department of Health. AIMS,
- 20 MSSB as interested parties are happy to work with the
- 21 board to kind of develop that language or pull it from

- 1 statute or whatever we can do to help whatever either the
- 2 full board or community advisory sitting. So, that's the
- 3 first issue. Just seeking clarification on that so our
- 4 students know what they can and can't be doing when
- 5 they're in an educational program in Maryland.
- And, you know, the second issue is somewhat related,
- 7 but also has to do with, you know, members of our
- 8 midwifery community who are not necessarily full midwives
- 9 yet. And that has to deal with our birth assistants.
- 10 So, again, going back to our original Practice Act passed
- 11 in 2015, at the time, language was included that requires
- 12 an LDM at that time of delivery to have a second
- 13 individual there. So, you know, it just says a second
- 14 individual who -- And the only requirement is that they
- 15 are trained and able to perform a neonatal resuscitation.
- 16 And it doesn't really, you know, have much detail beyond
- 17 that. And it's my understanding this is pretty standard
- 18 practice not only for our direct-entry midwives but for
- 19 Nurse-Midwives as well. And all our midwives are
- 20 practicing in the state. And, you know, there was some
- 21 discussion at the time the bill was passed about whether

- 1 we should require two midwives or we just have a midwife
- 2 and an assistant. Ultimately, it was decided that just a
- 3 second individual in that assistant role would be
- 4 appropriate. But partially because we were concerned we
- 5 wouldn't have sufficient direct-entry midwives that they
- 6 would have two at every birth. So, you know, that's
- 7 obviously something that our (indiscernible) is not
- 8 exactly complying with since licensure began in 2015.
- 9 What has happened is there's been some recent cases where
- 10 the (indiscernible) practice or (indiscernible) or
- 11 services those assistants can provide during delivery and
- 12 birth have come into question. And, again, we're just
- 13 coming to the board to kind of raise that as an issue for
- 14 discussion and hopefully seek some clarification because
- 15 what is happening is because the individuals who often
- 16 have been assistants, if they are unclear on what they
- 17 can and can't do at a delivery, one, they may not want to
- 18 act as assistants, which makes it difficult for us to
- 19 comply with the law since we have to have them present
- 20 or, alternatively, they are acting as assistants but then
- 21 they hesitate or be unclear about what they're allowed to

- 1 do, you know, in a healthcare situation. And obviously,
- 2 that can lead to some public health issues. So, again,
- 3 whatever the board thinks is appropriate, whether we kind
- 4 of discuss clarifications with the board or through the
- 5 Advisory Committee, we did just want to flag these two
- 6 issues because they are having an impact on how our
- 7 midwives are practicing in Maryland and our ability to
- 8 retain assistants and, you know, and our ability to
- 9 practice. So, that's kind of a broad overview. Again, I
- 10 know we have some of our LDM present here today who may
- 11 be able to provide a little more detail as actual
- 12 practitioners. So, I'm happy to answer any questions
- 13 and, again, appreciate your time this morning.
- 14 MS. WILLIAMS: That is an accurate overview of
- 15 what's going on, those two separate issues, a discrepancy
- 16 between what was revised in 2018 and what is actually,
- 17 like, codified law. And then, of course, if you would
- 18 like to add some clarifying language. It could be as
- 19 simple as one sentence that clarifies what the second
- 20 person that is required at a birth can do. And I don't
- 21 know, especially following the whole fiscal discussion,

- 1 if we want to go down the road of licensing birth
- 2 assistants and all that goes with that or if we want to
- 3 just add a sentence that will then guide midwives and
- 4 regulators as to what a second person, second trained
- 5 person at a birth, whether it's with a Certified Nurse-
- 6 Midwife or a Certified Midwife or a Certified
- 7 Professional Midwife or for an LDEM, what they are
- 8 expected to do and cannot do.
- 9 MR. HICKS: Thank you. All right. So, thank
- 10 you both for presenting this morning. We'll take that
- 11 information that you provided into consideration and, you
- 12 know, we'll work through the committee to make sure that
- 13 they can look into your concerns. All right. Thank you.
- 14 All right.
- MS. McDONALD: Thank you.
- 16 MR. HICKS: I will -- All right. I will now
- 17 open up the floor to anyone else that may want to address
- 18 the board. All right. Hearing none, I'm going to -- In
- 19 a moment, I'm going to ask if there is a motion to close
- 20 the open session. But first, I'm going to walk us
- 21 through the written statement that is required by the

- 1 Open Meetings Act to ensure that all board members agree
- 2 that (indiscernible). As documented in the written
- 3 statement, the statutory authority to close this Open
- 4 Session and meet in Closed Session is General Provision
- 5 Article 3-305(b)13, which gives the Board the authority
- 6 to close the Open Session, to comply with the specific
- 7 constitutional statutory or judicial imposed requirement
- 8 that prevents public disclosures about a particular
- 9 matter or proceeding. The topic to be discussed during a
- 10 closed session is applications for licensure and/or
- 11 certification. The reason for discussing this topic in
- 12 closed session is to discuss confidential matters that
- 13 are prohibited from public disclosures by the Annotated
- 14 Code of Maryland, Health Occupations Article Sections 8-
- 303(f), Health Occupations Article 8-320(a), Health
- 16 Occupations Article 1-401, and General Provisions Article
- 17 4-333. In addition, the board may also perform quasi-
- 18 judicial and administrative functions involving
- 19 disciplinary matters during the closed session. Is there
- 20 a motion to close this open session pursuant to the
- 21 statutory authority and the reasons cited in the written

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1
   statement, or any discussion thereof?
              MS. STENBERG: Steinberg.
 2
 3
              MR. HICKS: Steinberg.
              MS. HAYWARD: Second, Hayward.
              MR. HICKS: Hayward. All in favor?
 5
 6
              ALL: Aye.
 7
              MR. HICKS: Opposed?
 8
                        (No oppositions)
 9
              MR. HICKS: Motion carries. Thank you,
    everyone. Have a great day. Board members, we will be
10
    convened at 10:30.
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12
              (Whereupon, at 10:30 a.m. the open session was
13
    adjourned.)
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1	CERTIFICATE OF NOTARY
2	I, SABRINA BOYD, a Notary Public of the State of
3	Maryland, do hereby certify that the proceedings were
4	recorded via audio by me and that this transcript is a
5	true record of the proceedings. I am not responsible for
6	inaudible portions of the proceedings.
7	I further certify I am not of counsel to any of
8	the parties, nor an employee of counsel, nor related to
9	any of the parties, nor in any way interested in the
10	outcome of this action as witness my hand and notarial
11	seal this 25th day of January, 2023.
12	
13	
14	
15	Sabrina Boyd, Notary Public
16	in and for the State of Maryland
17	
18	
19	
20	
21	My commission expires: July 21, 2024

1	MARYLAND BOARD OF NURSING
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3	* * * * *
4	OPEN SESSION
5	* * * * *
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7	
8	The Maryland Board of Nursing board meeting was
9	held on Wednesday, January 25, 2023, at 4140 Patterson
10	Avenue, Baltimore, Maryland 21215, commencing at 9:10
11	a.m. before Sabrina Boyd, Notary Public in and for
12	the State of Maryland.
13	
14	
15	
16	
17	
18	
19	
20	AUDIO RECORDING BY: Sabrina Boyd, Notary Public
21	

Τ	APPEARANCES:
2	
3	BOARD MEMBER APPEARANCES:
4	GARY HICKS, RN Member, Board President
5	ANN TURNER, RN Member, Board Secretary
6	M. DAWNE HAYWARD, RN Member
7	EMALIE GIBBONS-BAKER, APRN Member (via telephone)
8	AUDREY CASSIDY, Consumer Member
9	SUSAN STEINBERG, Consumer Member
10	ROBIN HILL, RN Member, LPN Educator
11	HEATHER WESTERFIELD, RN Member
12	CHRISTINE LECHLITER, RN Member
13	SUSAN LYONS, APRN Member
14	NICOLE BEESON, RN, Administrator Member
15	
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17	
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20	
21	

1	ALSO PRESENT:
2	
3	IMAN FARID, Health Policy Analyst (via telephone)
4	PAIGE BAROCCA, LDEM
5	CHANTE (phonetic)
6	MAXINE TRANUM (phonetic)
7	NIKKI WILLIAMS
8	KAITLYN McDONALD (phonetic)
9	
10	
11	
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1 PROCEEDINGS
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- 2 MR. HICKS: All right. So, is there a motion
- 3 to approve the on-site report for Wor-Wic Community
- 4 College?
- 5 MS. ROBIN HILL: So moved. Dr. Robin.
- 6 MR. HICKS: Dr. Robin Hill.
- 7 MS. TURNER: Second. Ann Turner.
- 8 MR. HICKS: Turner. All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No oppositions)
- MR. HICKS: Motion carries.
- DR. GREEN: Thank you. Our final item before
- 14 (indiscernible) are (indiscernible) follow up
- 15 (indiscernible) determine the findings of our board
- 16 visit to (indiscernible) in December. Oh, I'm sorry. I
- 17 forgot to acknowledge you and thank you for being here.
- 18 I apologize for that. So, anyway, let me move down. The
- 19 fourth thing, Bowie State University, we did complete on-
- 20 site visit (indiscernible) licensure and myself on
- 21 September 13 through the 15th of 2022. We have already

- 1 presented those findings in our December 2022 report to
- 2 the board, which the board approved in terms of Bowie
- 3 State University being in full compliance with all
- 4 aspects from services with the board. But we wanted to
- 5 just come back. Although we mentioned in our documents
- 6 that we did discuss and had a preliminary ethical policy
- 7 while we were present. We completed and we wanted to
- 8 verify with the board that we do complete a follow up
- 9 just to indicate that we are in compliance with COMAR
- 10 10.27.02.14(d)10 regarding ethical policies also in
- 11 compliance, of course, with Maryland Higher Education
- 12 Commission. We (indiscernible) admissions at Middle
- 13 States Commission on Higher Education Standard II, Ethics
- 14 and Integrity. We verified information through nursing
- 15 student handbooks and Bowie State University through
- 16 discussions with the administrative team, nursing
- 17 education team at Bowie State in recognizing the policy
- 18 for identifying (indiscernible). We just wanted to have
- 19 that for the board's record and for our compliance with
- 20 the particular standard of, in terms of ethical practices
- 21 within the university. The recognition that we wanted to

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1 bring forward to the board just so we have that on the

- 2 record. Thank you.
- 3 MR. HICKS: And thank you, Dr. Green. Is there
- 4 any questions for Dr. Green? All right. Thank you, Dr.
- 5 Green.
- DR. GREEN: You're welcome.
- 7 MR. HICKS: I'm sorry. We do need approval for
- 8 that. So, is there a motion to approve?
- 9 MS. HAYWARD: Submitted.
- MR. HICKS: Hayward.
- MS. GIBBONS-BAKER: Second.
- MR. HICKS: Gibbons-Baker. All in favor?
- 13 ALL: Aye.
- MR. HICKS: Opposed?
- DR. JACQUELINE: And I recuse myself.
- MR. HICKS: Okay. Dr. Jacqueline now recuses
- 17 herself. I'm sorry. All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: The motion carries.

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1 DR. GREEN: Thank you.
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- 2 MR. HICKS: Thank you. All right. We'll move
- 3 down to legislative affairs. Iman, are you online?
- 4 MS. FARID: Yes. I am online. Can you hear
- 5 me?
- 6 MR. HICKS: Yes, ma'am.
- 7 MS. FARID: Good morning, everyone, and happy
- 8 Wednesday. We have two legislative items for this
- 9 morning. We're going to start with legislative item 7A.
- 10 This is a very brief presentation introducing the 2023
- 11 legislative action. First, the board has a legislative
- 12 committee. Currently, the committees meets weekly on
- 13 Tuesday afternoon from 4:00 to 6:00 p.m. The committee
- 14 is comprised of three board members, three to five board
- 15 staff, and two to three board council. The committee's
- 16 primary responsibility is to identify issues that are
- 17 suitable for legislative review, gather and evaluate
- 18 information, and then recommend a course of action. Some
- 19 additional duties of the committee include staying
- 20 informed of bills that are introduced during a legislate
- 21 session that impact the board's mission, its

- 1 constituents, and the safe practice of nursing, propose
- 2 amendments to statutes and regulations as necessary, to
- 3 request best practices, and to determine it fills in for
- 4 any physical, operational, or legal impact for the Board
- 5 of Nursing. The next slide I have is a brief timeline of
- 6 the legislative session. Really, the two things I would
- 7 like for you to note is that on January 11, the
- 8 legislative session began. And April 10 the current sine
- 9 die or adjournment of the legislative session. In
- 10 between those two dates, the board will be active in
- 11 providing testimony, written and oral, to the legislators
- 12 in general assembly as well as participating in
- 13 subcommittee work groups. The next slide I have is a
- 14 schematic of the life cycle of a bill. At the shortest,
- 15 a bill can be assigned to the board within one day of
- 16 being introduced and at the latest, a week after being
- 17 introduced. Essentially, a bill would be introduced to
- 18 the Maryland General Assembly. It will be reviewed by
- 19 MGA staff, which will then send over the bill if it's
- 20 related to public health, healthcare, or health
- 21 occupations to the Department of Health, specifically the

- 1 Office of Governmental Affairs, for further review. Once
- 2 the office within MDH determines that the issues is
- 3 related to health, public health, or healthcare, it will
- 4 be assigned to the appropriate administration. If it's,
- 5 for example, related to nursing, it will be assigned to
- 6 the Board of Nursing for further review. The Legislative
- 7 Committee will review the bill on a weekly basis and will
- 8 determine whether a position is needed to be taken. I,
- 9 as the legislative liaison, will present the board's
- 10 position back to the Office of General Assembly and
- 11 submit any written testimony if appropriate. And
- 12 finally, the last slide is just a brief review of the
- 13 different positions the board can take. I won't read the
- 14 descriptions, but I did want to note that there are three
- 15 main categories: positions that are neutral, positions
- 16 that are in favor, and positions that are in opposition.
- 17 I wanted to bring some historical data from the 2022
- 18 legislative session last year. The legislative committee
- 19 reviewed a total of 86 bills and submitted 49 letters, 36
- 20 of which of those bills the Board of Nursing has no
- 21 position on. So, the committee between the months of

- 1 January and April does review a large volume of bills and
- 2 elects to take positions when appropriate. And with
- 3 that, I will be happy to answer any questions you may
- 4 have.
- 5 MR. HICKS: All right. Are there any questions
- 6 for Iman?
- 7 MR. HICKS: Okay. All right. Okay, Iman. No
- 8 questions. We can move on to B.
- 9 MS. FARID: Yes. The next item is 76,
- 10 memorandum provides a list of bills that were assigned to
- 11 the board between the week of January 11 through the week
- 12 of January 23. The legislative committee requests the
- 13 board to ratify the positions that I will be reading.
- 14 First, we have House Bill 25, titled Public Health,
- 15 Healthy Maryland Program Establishment. This bill
- 16 establishes the Healthy Maryland Program as a public
- 17 corporation and a unit of state government to provide
- 18 comprehensive, universal, single payer healthcare
- 19 services to residents of the State of Maryland. The
- 20 board took no position. House Bill 28, titled Income Tax
- 21 Credit for Caregivers of Senior Family Members. This

- 1 bill allows a credit against the state income tax for
- 2 qualified expenses paid or incurred by a taxpayer during
- 3 the taxable year in caring for a qualified senior family
- 4 member. The board presented a letter of information with
- 5 amendments. House Bill 121, cross-filed with Senate Bill
- 6 8, Mental Health Treatment Plans for Individuals in
- 7 Facilities Requirements. This bill requires that a plan
- 8 of treatment for an individual with a mental disorder
- 9 include a certain discharge goal and an estimate of the
- 10 length of inpatient stay. This bill also requires that
- 11 facility staff review and (indiscernible) a treatment
- 12 plan within certain time periods and establishes certain
- 13 rights relating to the participation of family members
- 14 and the development, review, and reassessment of a plan
- 15 of treatment. And finally, this bill establishes an
- 16 appeals process relating to the review and reassessment
- 17 of a plan of treatment. The board took no position.
- 18 House Bill 136, Child Support Enforcement, Occupational
- 19 and Recreational Licenses, Taxpayer Identification
- 20 Numbers. This bill requires an applicant for a license
- 21 to disclose the Social Security number or taxpayer

- 1 identification number on their license and also the
- 2 duties of certain licensing authorities relating to the
- 3 suspension or denial of licenses for child support
- 4 arrearages. The board submitted a letter of information.
- 5 Senate Bill 64, HIV Prevention Drugs, Prescribing and
- 6 Dispensing by Pharmacists and Insurance Requirements.
- 7 This bill authorizes pharmacists to prescribe and
- 8 dispense post-exposure prophylactics for HIV prevention
- 9 to patients under certain circumstances and requires the
- 10 Maryland Medical Assistance Program to provide drugs that
- 11 are approved by the FDA for HIV prevention. And,
- 12 finally, this bill prohibits certain agencies from
- 13 requiring prior authorization for certain drugs and/or
- 14 therapies. The board submitted a letter of concern.
- 15 Senate Bill 78, titled Health Occupations, Service
- 16 Members, Veterans, and Military Spouses Temporary
- 17 Licensure Certification, Registration, and Permitting.
- 18 This bill requires health occupation boards to issue an
- 19 expedited temporary license certificate or permit to a
- 20 service member, veteran, or military spouse who meets
- 21 certain requirements and requires that each health

- 1 occupation form include a checkoff box prominently on an
- 2 application form. Finally, this bill requires NEH to
- 3 publish information on its website. The board submitted
- 4 a letter of information with amendments. And finally,
- 5 Senate Bill 104, Labor and Employment Apprenticeship and
- 6 Documentation on the Apprenticeship and Training Counsel.
- 7 This bill requires that the apprenticeship and training
- 8 counsel include representation by individuals who are
- 9 black and Latino and establishes apprenticeship 2030
- 10 commission to examine and make recommendations to expand
- 11 access to apprenticeship to reduce field shortages in
- 12 high demand occupations. And finally, this bill requires
- 13 the governors include an appropriation in the
- 14 (indiscernible).
- 15 (Crosstalk)
- 16 I'm sorry. Someone is speaking. Can you
- 17 please mute your phones? Thank you. And with that, I
- 18 would be happy to answer any questions.
- 19 MR. HICKS: Any questions for Iman? All right.
- 20 Hearing none, thank you, Iman. So, we'll take a vote to
- 21 approve the recommendations by the legislative committee

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1 as Iman outlined. Is there a motion to approve?
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- 2 DR. HILL: So moved. Robin Hill.
- 3 MR. HICKS: Dr. Robin Hill, Gibbons-Baker. All
- 4 in favor?
- 5 ALL: Aye
- 6 MR. HICKS: Opposed?
- 7 (No oppositions)
- 8 MR. HICKS: The motion carries. All right.
- 9 Thank you, Iman.
- 10 MS. FARID: Thank you.
- 11 MR. HICKS: All right. We'll go down to direct
- 12 into midwifery wives and electrology. Monica?
- MS. MENTZER: Yes. Good morning, everyone.
- 14 ALL: Good morning.
- MS. MENTZER: How are you? Happy New Year.
- Okay. So, we're going to start with 8A. This
- 17 is a request to the board for an appointment. The
- 18 Maryland Board of Nursing direction to Midwifery Advisory
- 19 Committee Annotated Code of Maryland Health Occupations
- 20 Article Title VIII, Subtitle 16, Section 8-6B-11 provides
- 21 for membership. The committee consists of seven members

- 1 appointed by the board. The following Direct Entry
- 2 Midwifery Advisory Committee member has completed
- 3 appointment terms to the committee on December 31, 2022.
- 4 That was Ms. Jan Krebs, Certified Nurse Midwife, CNM
- 5 member. The following committee member is unable to
- 6 attend the committee meetings and has notified the
- 7 committee that she will need to resign her duties from
- 8 the committee, Dr. Monica Buche, M.D. an H.N.
- 9 representative. The committee therefore requests to the
- 10 board consideration of the board to provide for
- 11 appointments for the above open positions to the
- 12 committee. I should also have information on this --
- 13 Nothing for Dr. Monica Boucher, but for Ms. Jan Krebs,
- 14 one of the individuals that has contacted the Board of
- 15 Nursing to consider the board appointing her. Do you
- 16 have any questions?
- 17 MR. HICKS: Any questions for Monica? All
- 18 right. So, is there a motion to approve Dr. Mairi Breen
- 19 Rothman for the Direct-Entry Midwifery Advisory
- 20 Committee?
- MS. GIBBONS-BAKER: So moved. Gibbons.

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1 MR. HICKS: Gibbons-Baker.
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- MS. LYONS: Second, Lyons.
- 3 MR. HICKS: Lyons. All in favor?
- 4 ALL: Aye
- 5 MR. HICKS: Opposed?
- 6 (No opposition)
- 7 MR. HICKS: Motion carries. All right.
- 8 Monica, while you're there, do you want to do your
- 9 quarterly report?
- 10 MS. MENTZER: Yes. We're going to move down to
- 11 9D, this is the Direct-Entry Midwifery Advisory
- 12 Committee, second quarter fiscal year 2023 report to the
- 13 board. Meetings: The committee holds scheduled meetings
- 14 monthly on the first Friday of each month. The committee
- 15 meets as necessary to conduct committee business.
- 16 Meetings are held when there are sufficient agenda items
- or when the board receives applications for initial
- 18 licensure or renewal of licensure as a direct-entry
- 19 midwife. During the second quarter of FY 2023 from
- 20 October 1 through December 31, 2022, the committee met
- 21 three times; October 14, November 4, and December 2.

- 1 Licensees during the FY '23 second quarter, there were 32
- 2 active direct-entry midwives licensed in Maryland.
- 3 Status of work completed: Pursuant to in accordance with
- 4 Maryland Code Health Occupations 8-6B-10, LDEMs are
- 5 required to complete and submit an annual data collection
- 6 form approved by the Maryland Board of Nursing on an
- 7 annual basis by October 1 of each year. The annual data
- 8 collection form requires LDEMs to report certain data to
- 9 the board regarding their clients and practice between
- July 1 and June 30 of each year of the reporting period.
- 11 At its October 14, 2022, the committee reviewed and
- 12 aggregated the data from the reporting period submitted
- 13 by the LDEMs and discussed the committee's
- 14 recommendations regarding the following at its November
- 15 4, 2022 committee meeting: The continuation and
- 16 improvement of the licensure of licensed direct-entry
- 17 midwifes in the state, any recommendations regarding
- 18 expanding the scope of practice of licensed direct-entry
- 19 midwives, and any recommendations including
- 20 recommendations for legislation regarding the scope of
- 21 practice of licensed direct-entry midwives to include

- 1 vaginal birth after cesarean. The committee reported the
- 2 results of the aggregated data from 35 annual data
- 3 collection forms received by the board and the committee
- 4 recommendations approved by the committee members on
- 5 November 4, 2022 to the Maryland Board of Nursing at its
- 6 November 16, 2022 open session board meeting. The board
- 7 reviewed the committee's report and recommendations and
- 8 submitted the board's required direct-entry midwives'
- 9 annual report to the legislature by December 1 of 2022.
- 10 Work in progress: The committee received a request from
- 11 Ms. Nikki Williams, LDEM, on behalf of the Association of
- 12 Independent Midwives of Maryland on October 14, 2022 for
- 13 the committee to review. A copy of this letter is
- 14 attached to this report. The committee reviewed the
- 15 letter at its meeting on November 4, 2022. Additional
- 16 information will be presented to the board at an open
- 17 session meeting later today. At the request of Ms. Paige
- 18 Barocca, LDEM and member of the committee, the committee
- 19 was asked to provide a template for an individual
- 20 transfer care plan as guidance for LDEMs on the Maryland
- 21 Board of Nursing website. The committee and the board

- 1 have previously provided such a document. The committee
- 2 reviewed a prior copy of the document at its meetings on
- 3 November 4 and December 2, 2022 for any necessary changes
- 4 or updates, specifically to be consistent with current
- 5 law and applicable community standards. The committee
- 6 will further review the proposed changes at its committee
- 7 meeting on January 6, 2023. Membership on the committee:
- 8 The third appointment to the board by the board is a
- 9 member on the committee representing the Maryland
- 10 Hospital Association is Dr. Monic Buche, M.D. At the
- 11 board's meeting on December 14, 2022, the committee
- 12 notified that board that Dr. Buche has resigned and the
- 13 board will need to make an appointment for the position
- 14 vacated by Dr. Buche's resignation to represent the MHA
- 15 on the committee. At its board's open session meeting on
- 16 December 14, 2022, the board appointed Ms. Tess Brody,
- 17 LDEM, license number DEM00029 to the committee, effective
- date January 1, 2023, to replace Ms. Karen Webster, LDEM,
- 19 whose term expired on December 31, 2022. At the board's
- 20 open session meeting on December 14, 2022, the committee
- 21 requested that the board appoint an advanced practice

- 1 registered nurse/Certified Nurse-Midwife licensed in
- 2 Maryland to the committee to replace Ms. Jan Krebs,
- 3 Certified Nurse-Midwife whose second term expired on
- 4 December 31, 2022. The next meetings of the Direct-Entry
- 5 Midwifery Advisory Committee occurred on January 6 and
- 6 are scheduled for February 3 and March 3, 2022. Do you
- 7 have any questions about the quarterly report for the
- 8 Direct-Entry Midwifery Advisory Committee?
- 9 MR. HICKS: Any questions? All right. Hearing
- 10 none, is there a motion to approve quarterly report for
- 11 the Direct-Entry Midwifery Advisory Committee?
- MS. HAYWARD: So moved Hayward.
- MR. HICKS: Ms. Hayward.
- MS. WESTERFIELD: Westerfield.
- MR. HICKS: Westerfield. All in favor?
- 16 ALL: Aye.
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries.
- 20 MS. MENTZER: Okay. And then moving down to
- 21 9E, this is the quarterly report to the Board of Nursing

- 1 from the Electrology Practice Committee for the second
- 2 quarter FY 2023. Meetings: The Electrology Practice
- 3 Committee meets as necessary to conduct committee
- 4 business. The meetings were held when there is
- 5 sufficient agenda items or when the Maryland Board of
- 6 Nursing receives initial or renewal applications for
- 7 licensure as an electrologist or electrology instructor.
- 8 The committee met three times during the second quarter
- 9 of FY 2023 on October 5, November 2, and December 7,
- 10 2022. Currently, there are 50 active electrologists and
- 11 two active electrology instructors licensed in Maryland.
- 12 Status of work completed: The committee conducted a
- 13 final review for two applicants for initial licensure to
- 14 practice electrology on December 7, 2022 and were able to
- 15 recommend to the board to approve the two applicants, Ms.
- 16 Jacqueline Tedros (phonetic) and Ms. Ahuba Boken
- 17 (phonetic) as meeting all of the minimum requirements for
- 18 initial licensure to practice electrology in Maryland.
- 19 At its open session board meeting on December 14, 2022,
- 20 the board accepted the committee's recommendation for
- 21 approval to license Ms. Jacqueline Tedros and Ms. Ahuba

- 1 Boken to practice electrology in the State of Maryland.
- 2 On December 27, 2022, pursuant to the board's approval,
- 3 the board issued licenses to practice electrology in the
- 4 State of Maryland to Ms. Jacqueline Tedros, license
- 5 number E01478 and Ms. Ahuba Boken, license number E01477.
- 6 The board also sent a letter of notification of licensure
- 7 to each of the newly licensed electrologists by US Postal
- 8 Service on December 27, 2022. Review of reinstatement
- 9 and reinstatement applications for licensure as
- 10 electrologists and/or electrology instructor: The
- 11 committee received and reviewed one application for
- 12 reactivation of an electrology license that the board
- 13 placed on inactive status. The committee reviewed and
- 14 completed its review of the completed application at its
- 15 meeting on December 7, 2022 and recommended to the board
- 16 that the board approve the reactivation of the
- 17 electrology license of Ms. Deborah Winter (phonetic),
- 18 license number E01457. And on December 14, 2022, at its
- 19 open session board meeting, the board approved the
- 20 reactivation of the electrology license of Deborah
- 21 Winter, license number E01457. Status of work in

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1 progress: At its December 7, 2022 meeting, the committee
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- 2 members requested that the committee review the current
- 3 approved clinical examination form and the Maryland Law
- 4 Examination Exam to update the documents. The committee
- 5 began the process of updating both documents and will
- 6 continue to review both documents at its next scheduled
- 7 committee meeting. Membership: Ms. Debra Larsen, LE,
- 8 chair of the committee, has completed her second four-
- 9 year term as a committee member on June 30, 2021. The
- 10 committee has posted a notice on its website requesting
- 11 interested electrologists who are licensed and meet all
- 12 of the requirements for an appointment on a committee to
- 13 submit a letter of interest with resume to the board. To
- 14 date, the board has not received any potential candidate
- 15 interested in being considered for an appointment to
- 16 replace Ms. Larsen. Ms. Larsen is able to continue to
- 17 serve unless and until a successor is appointed and
- 18 qualifies in accordance with Maryland Code Annotated
- 19 Health Occupations Section 8-6B-05(f)(3). Meetings: The
- 20 next meetings of the committee occurred on January 11 and
- 21 are scheduled for February 8, 2023 and March 8, 2023.

- 1 Are there any questions about the Electrology Practice
- 2 Committee second quarter FY '23 quarterly report to the
- 3 board?
- 4 MR. HICKS: All right. Hearing none, is there
- 5 a motion to approve the Electrology Practice Committee's
- 6 Quarterly Report? Steinberg.
- 7 MR. HICKS: Ms. Steinberg. Lechliter?
- 8 MR. HICKS: Lechliter. All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No opposition)
- 12 MR. HICKS: Motion carries. Thank you, Monica.
- MS. MENTZER: Yes. Thank you.
- MR. HICKS: And we'll go back up to A under 9,
- 15 that's disciplining Lions (phonetic) program. Amber.
- MS. BERNAL: Good morning. I'm Amber Havens
- 17 Bernal with the Discipline Program of the board's
- 18 Enforcement Division. I have the last quarter of 2022
- 19 report for the Discipline Program and the Compliance
- 20 Program. During the last quarter, there were 22 cases
- 21 voted for charges and transferred to the Office of the

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1 Attorney General for handling. A total of nine summary
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- 2 suspension orders were issued. This includes orders
- 3 continuing summary suspensions. Three cases were
- 4 scheduled for case resolution conference. Two consent
- 5 orders were executed. One voluntary surrender. Once
- 6 case was voted to rescind and desist. Two default cases
- 7 were sanctioned and the board held 11 hearings. That's
- 8 both evidentiary and show cause. Now, compliance, there
- 9 was one probation order initiated. No reprimands with
- 10 conditions initiated. One case was scheduled to the
- 11 program case manager. One probation order was
- 12 terminated. One case was presented to the board for
- 13 violation of probation and there are a total of 61 cases
- on probation with the board. Are there any questions?
- 15 MR. HICKS: Any questions for Amber? Hearing
- 16 none, is there a motion to approve the disciplinary
- 17 findings? All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: Motion carries. Thank you, Amber.

- 1 MS. BERNAL: Thank you.
- 2 MR. HICKS: We'll go down to State Practice.
- 3 Valencia?
- 4 MS. JACKSON: Good morning, everyone. My name
- 5 is Valencia Jackson. I'm the State Practice coordinator
- 6 here at the board. Today's staff was October through
- 7 December of 2022. A meeting scheduled, and held two per
- 8 month for a total of six. Scheduled for committee
- 9 meetings October 24, November 15, December 13 for a
- 10 quarter total of 52. New agreements given October, 3,
- 11 November, 3, December, zero, for a quarter total of six.
- 12 Expelled, October, one, November, three, December, one,
- 13 for a quarter total of five. Successfully discharged
- 14 from the program October, one, November, zero, December,
- 15 zero, for a quarter total of one. And active
- 16 participants, October, 65, November, 65, and December, 64
- 17 for a current total of 64 positions. Anyone have any
- 18 questions?
- 19 MR. HICKS: Anyone have any questions? And
- 20 hearing none, is there a motion to accept the quarterly
- 21 report for the State Practice Committee?

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1 MR. HICKS: Gibbons-Baker.
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- MS. HAYWARD: Second.
- 3 MR. HICKS: Hayward. All in favor?
- 4 ALL: Aye.
- 5 MR. HICKS: Opposed?
- 6 (No oppositions)
- 7 MR. HICKS: Motion carries. Thank you,
- 8 Valencia. We'll go down to Investigation Status Reports.
- 9 Chante (phonetic)?
- 10 CHANTE: Good morning.
- 11 So, for CID, complaints received for October,
- 12 63, November, 75, and December, 69 for a quarter total of
- 13 207. I just want to remind everyone for October,
- 14 November, December we only have one triage meeting each
- 15 month due to holidays. Complaints closed by take no
- 16 action. October, 21, November, 44, December, 30, for a
- 17 quarter total of 95. Complaints closed by charges.
- 18 October, seven, November, four, December, two, for a
- 19 quarter total of 13. Cold cases, complaints closed by
- 20 state no action backlog review. October, 18, November,
- 21 46, and December, zero, for a quarter total of 164.

- 1 Complaints, cold case complaints closed administratively.
- October, eight, November, five, December, eight, for a
- 3 quarter total of 21. Average number of days between
- 4 receipt of complaint and report of investigation
- 5 submission. October, 287, November, 79, December, 118
- 6 for a quarter average of 161 days. Our total open
- 7 complaints. Cold case, which is 2018 and further -- that
- 8 -- between that time, 3,931. Our current case total is
- 9 2,937. Any questions?
- 10 MR. HICKS: Any questions?? Thank you, Chante.
- 11 CHANTE: You're welcome.
- 12 MR. HICKS: Oh, I'm sorry. Is there a motion
- 13 to approve the quarterly report for the investigations?
- MR. HICKS: Steinberg.
- 15 MS. LECHLITER: Second.
- MR. HICKS: Lechliter. All in favor?
- 17 ALL: Aye.
- MR. HICKS: Opposed?
- 19 (No opposition)
- 20 MR. HICKS: Motion carries. Thank you. All
- 21 right. Moving down to Fiscal Management and Maxine.

- 1 MS. TRANUM: Good morning, everyone. My name
- 2 is Maxine Tranum (phonetic) and I'm the agency fiscal
- 3 officer. Just wanted to prepare you a quick overview of
- 4 the quarter two FY '23 budget and how we ended. Year to
- 5 date quarter two adjustment net for FY '23 ending in a
- 6 deficit. FY '23 quarter two gross net profit at the end
- 7 of the quarter was in the black, however, as we deducted
- 8 out our fees and as our expenses continue to grow, that
- 9 left us with a deficit. Expenses continue to increase
- 10 across the fiscal years. If you look from 2021 to 2023
- 11 they increased as everything else continues to increase.
- 12 The adjusted net for FY '23 quarter two compared to FY
- 13 '22 quarter two showed a significant decline from
- 14 \$383,390.00 to negative \$42,215.00. In summary, we have
- 15 to find ways to generate revenue.
- MR. HICKS: Maxine, you talk about deficit. In
- 17 terms of dollars, what does that look like?
- 18 MS. TRANUM: Not good at all. As we progress
- 19 through the rest of the FY '23 fiscal year, it's just
- 20 going to get worse, because we have a lot of unallocated
- 21 expenses for IT, there's always something coming up.

- 1 When we did the upgrade on the boardroom, we really --
- 2 That really wasn't budgeted as well. I mean, we're just
- 3 -- It's, like, everything is just increasing in terms of
- 4 expenses and we just have no revenue coming in other than
- 5 what, you know, what we're allotted at the beginning of
- 6 the FY year.
- 7 MR. HICKS: What I meant by that was, do you
- 8 have a dollar amount that is -- overall that's a number.
- 9 MR. TRANUM: I don't. Other than when I do the
- 10 quarterly and right now it's negative \$43,000.00. I
- 11 mean, I could try and do an estimate of the complete year
- 12 because basically how it works is that when we have
- 13 unallocated expenses come in, I have to factor all that
- 14 in in terms of hiring positions as well.
- 15 MR. HICKS: Is there a specific -- And I'm not
- 16 sure how you do your budgeting, but is there a specific
- 17 cost center or a specific line item that you're finding
- 18 is the most significant deficit?
- 19 MS. TRANUM: Not necessarily. For the most
- 20 part, most things are pretty much on target. IT is
- 21 really going to just obliterate us because of the fact

- 1 that, you know, with the network problem and we're going
- 2 with the Dewey (phonetic). That's going to be a huge
- 3 expense. Yeah, that's going to be a huge expense.
- 4 MR. HICKS: Thank you for that.
- 5 MS. TRANUM: Mm-hmm.
- 6 MR. HICKS: (Indiscernible) wanted you to
- 7 address how we're dealing with the deficit in terms of
- 8 (indiscernible) legislators.
- 9 MS. TRANUM: Yes.
- 10 MR. HICKS: Just so the people understand that
- 11 we're just not listening. That there is the deficit and
- 12 it is what it is but we're trying to take action over
- 13 what we're doing in terms of (indiscernible) deficit that
- 14 we already have..
- MS. TRANUM: It basically, it boils down to we
- 16 need to raise fees significantly. I heard about the
- 17 really good program that the University of Maryland St.
- 18 Joseph has with Baltimore County. That would be a great
- 19 opportunity to market and if we could increase our fees.
- 20 Because that's a lifechanging experience. And if more
- 21 people knew about that, I'm sure that would garner some

1 interest and if we could increase our fees that would

- 2 probably be a game changer.
- 3 MR. HICKS: So --
- 4 UNIDENTIFIED SPEAKER: I agree with the fees.
- 5 We have not raised our fees since 2008. The reason for
- 6 that, a 2016 email went out from Governor Hogan's office
- 7 stating that we were unable to raise our fees. Not just
- 8 this quarter, but --
- 9 MS. TRANUM: Is there any particular reason?
- 10 UNIDENTIFIED SPEAKER: I'm sorry?
- 11 MS. TRANUM: Did he give any particular reason?
- 12 UNIDENTIFIED SPEAKER: I don't (indiscernible).
- MS. TRANUM: I mean because everything keeps
- 14 increasing. I don't understand how they feel like we
- 15 shouldn't increase our fees if everything else is
- 16 increasing.
- 17 MR. HICKS: I think it was kind of in line with
- 18 his -- yeah. His position is that, you know, he wanted
- 19 to kind of keep things under containment in terms of cost
- 20 for the citizens in the State of Maryland.
- 21 UNIDENTIFIED SPEAKER: (Indiscernible) costs?

- 1 MS. TRANUM: Nobody else seems to be taking
- 2 that into consideration. I mean, well, everything is
- 3 just so expensive now.
- 4 UNIDENTIFIED SPEAKER: I take it into
- 5 consideration because I have a son (indiscernible). For
- 6 the whole time I've been here for five years, I've been
- 7 asking for an increase.
- 8 MS. TRANUM: It's desperately needed for our
- 9 fees. It's desperately needed.
- 10 UNIDENTIFIED SPEAKER: Correct. Because
- 11 nothing -- I mean, with the renovation, our rent went up
- 12 about \$10,000.00. Excuse me. That was before you came
- 13 on board, Maxine. And then for the renovations, there
- 14 were extra things added on and it also hit at the time of
- 15 COVID. So, with COVID, all the prices went sky high.
- 16 So, we can pay for something that probably wasn't as
- 17 high, but we had to pay for the high. And then we were -
- 18 Also during COVID, we had to, of course, put it on the
- 19 COVID item so the staff could (indiscernible) you know,
- 20 (indiscernible) and all of those other things. So, that
- 21 really took a big chunk, both those things took a big

- 1 chunk on top of our rent in 2020 and 2021. The rent is
- 2 still the same for right now. But other things happened.
- 3 Like, when we had to send things out of hearing here into
- 4 another agency, that cost (indiscernible). It cost a
- 5 pretty significant amount of money.
- 6 MS. TRANUM: No. That line item is done in
- 7 terms of (indiscernible).
- 8 UNIDENTIFIED SPEAKER: I understand.
- 9 MS. TRANUM: Yeah.
- 10 UNIDENTIFIED SPEAKER: I understand. Yes.
- 11 MS. TRANUM: That line item is done.
- 12 UNIDENTIFIED SPEAKER: But there's still
- 13 things, you know, for us to proceed as a board there's
- 14 still things we have to do fiscally.
- MS. TRANUM: Sure.
- 16 UNIDENTIFIED SPEAKER: One of the areas that I
- 17 am asking for is that currently, we cannot accept any
- 18 funds from anyplace else. And that's a statute we're
- 19 under. Statutory laws. So, I'm asking to open that up so
- 20 that we can apply for emergency.
- MS. TRANUM: Very good.

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1 UNIDENTIFIED SPEAKER: In other items.
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- 2 MS. TRANUM: Very good.
- 3 UNIDENTIFIED SPEAKER: I sat on one person's
- 4 committee, the National Advisory Committee of the Nursing
- 5 Education Practice. They have lots of ways that I would
- 6 love for us to participate in. So, that's one avenue.
- 7 MS. TRANUM: Would be very helpful.
- 8 UNIDENTIFIED SPEAKER: Yeah. The basic one is
- 9 increasing our fees. Do you know how many cost of living
- 10 has happened since --
- 11 MS. TRANUM: Exactly.
- 12 UNIDENTIFIED SPEAKER: 2008?
- MS. TRANUM: Exactly.
- 14 UNIDENTIFIED SPEAKER: We've all changed our
- 15 cell phone probably about five times since 2008. So,
- 16 potentially, today and tomorrow, Ms. Scott and I have a
- 17 list of things tomorrow where we're going to the
- 18 legislators. We go to the Finance Committee today. We
- 19 go to the Health and Government Committee tomorrow to
- 20 review with them the challenges that we have on both
- 21 days. Now, I have not been quiet on the challenges.

- 1 Every meeting we go to I'm sure I'm like a broken record
- 2 by now. I speak about the board's plight. I've met with
- 3 several legislators. In the interim last year and this
- 4 year about our concerns and additionally, we need staff.
- 5 If you look at the numbers that we have for cases.
- 6 MS. TRANUM: Yeah.
- 7 UNIDENTIFIED SPEAKER: It's not that we don't
- 8 want to get them done.
- 9 MS. TRNAUM: Mm-hmm.
- 10 UNIDENTIFIED SPEAKER: We definitely want to
- 11 get them done but we can't afford investigators.
- MS. TRANUM: Yeah.
- 13 UNIDENTIFIED SPEAKER: We have a lot of high
- 14 priority cases right now. Seems to have slowed down
- 15 during COVID and of course that was an interesting time.
- 16 And now picking it back up. And that's putting a major
- 17 strain. And I don't want to lose any (indiscernible) we
- 18 have. They're doing a great job.
- MS. TRANUM: Mm-hmm.
- 20 UNIDENTIFIED SPEAKER: But they're tapped out.
- 21 The rest of the staff is tapped out because I'm given an

- 1 overtime (indiscernible). Whatever I can do. They're
- 2 coming in on Saturdays just to see what we can do to
- 3 catch up. It's still not enough.
- 4 All I can say is since 2010, 2013, there were
- 5 two legislative reports. No action on those. All those
- 6 were two legislators on (indiscernible). In 2021, we had
- 7 another chairman's report. All three of them say the
- 8 same thing. We recently had a DLS report saying that our
- 9 two major areas are finance, IT, and the reports. Those
- 10 are the three major areas.
- 11 MS. TRANUM: Well, what is it that they're not
- 12 understanding about the challenges that we have? I mean,
- 13 we can't process more if we have no staff.
- 14 UNIDENTIFIED SPEAKER: That -- See, I just love
- 15 the enthusiasm.
- MS. TRANUM: I mean, yeah. I don't understand
- 17 it.
- 18 UNIDENTIFIED SPEAKER: -- answer all of these
- 19 questions. But I can't get into the minds of others.
- 20 All I can do is continue to do what I do. And that
- 21 is to request help, okay. So, I don't have all the

1 answers. That's why I'm going today and tomorrow to

- 2 plead our case.
- 3 MS. TRANUM: I hope you can make an impact. I
- 4 do.
- 5 UNIDENTIFIED SPEAKER: Yeah. I mean, it -- We
- 6 could always write a letter to your legislators About
- 7 the plight of the board. So, I mean, we're doing great
- 8 work. We've made a lot of major changes here as a board
- 9 for the good of our procedures and most importantly, for
- 10 the good of the patients. You know, public safety.
- 11 We'll increase that tremendously. But, it's still
- 12 putting a hold on us right now because we don't have
- 13 enough staff and money to do the things we want to do.
- 14 Because we want to hire --
- 15 MS. TRANUM: Yes.
- 16 UNIDENTIFIED SPEAKER: We don't want to hire
- 17 anyone. We want to hire individuals that come with
- 18 skills to help us move this along, right? So --
- 19 MS. TRANUM: And I do think for the manpower we
- 20 do have that we're doing a great job. I mean, I know
- 21 there are complaints. But I just think everybody works

1 hard and I think everybody is doing the best that they

- 2 can.
- 3 UNIDENTIFIED SPEAKER: Yes. And, you know,
- 4 like our phone system. You know, we just got a notice
- 5 (that, you know, we only have six weeks to change our
- 6 phones. Right now it's four weeks to change our phone
- 7 system because we (indiscernible). So, and that's what
- 8 we will do. Because we want to continue. So, we're
- 9 working on that. So, working the best we can with what
- 10 we --
- 11 MS. TRANUM: Okay. Okay.
- 12 MR. HICKS: So, two things. One, is there a
- 13 motion to approve the fiscal management quarterly report?
- MS. HAYWARD: Hayward.
- 15 MR. HICKS: Gibbons-Baker -- or, Hayward.
- 16 All in favor?
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries. Understanding
- 20 where we are from a fiscal perspective and where Maxine
- 21 in terms of raising rates as one avenue to help get us

- 1 out of this deficit. I'm going to propose or ask the
- 2 board if somebody would like to make a motion to develop
- 3 a change in our fee structure that we could utilize to
- 4 take to legislators or fiscal or the secretary or whoever
- 5 will hear it with proposals of what those changes would
- 6 look like for all of our licensees and certificate
- 7 holders. So, understanding that it would just be simply
- 8 a proposal that we could draw up and then obviously
- 9 present to you all as a board before we present it to
- 10 anyone else. You know, we'll see what happens to try to
- 11 move forward.
- 12 UNIDENTIFIED SPEAKER: Yeah, you can propose
- 13 amendments to the regulations and the fees. And I $\operatorname{\mathsf{--}}$ You
- 14 know, the worst that will happen is that the secretary
- 15 and AELR will deny it. But, I mean, you have the
- 16 authority to move forward with developing amendments to
- 17 your regulations and submitting.
- 18 UNIDENTIFIED SPEAKER: (Indiscernible). So,
- 19 just asking for it.
- 20 UNIDENTIFIED SPEAKER: Right.
- 21 UNIDENTIFIED SPEAKER: Present something

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1 (indiscernible).
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- 2 UNIDENTIFIED SPEAKER: Right.
- 3 MR. HICKS: Being almost a formal request.
- 4 So if someone wants to make the motion?
- 5 UNIDENTIFIED SPEAKER: I'll make the motion.
- 6 MR. HICKS: Alma.
- 7 UNIDENTIFIED SPEAKER: I'll second.
- 8 MR. HICKS: All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No opposition)
- MR. HICKS: Motion carries. So, we'll work on
- 13 what that fee structure would look like and bring it back
- 14 to the board for review. All right. Thank you.
- MS. TRANUM: Thank you.
- MR. HICKS: Hang in there.
- MS. TRANUM: Okay.
- 18 MR. HICKS: All right. We're going to move
- 19 down to Item 10. Heather, is Ms. McDonald or Ms. Paige
- 20 Barocca here? Or online?
- 21 MS. McDONALD: Yes, sir. This is Kaitlyn

- 1 McDonald. I'm here. I am not sure Paige is, because I
- 2 can't see everybody's names.
- 3 MR. HICKS: Okay. I understand that you wanted
- 4 to address the board this morning?
- 5 MS. McDONALD: Sure. And let me introduce
- 6 myself again. My name is Kaitlyn McDonald. I'm grateful
- 7 to you and to the board for letting me address you today.
- 8 I represent two organizations that have an interest in
- 9 the function of like (indiscernible) direct-entry
- 10 midwives here in Maryland. One actually mentioned
- 11 earlier is the Association of Independent Midwives of
- 12 Maryland, which is the professional association for
- 13 Maryland's (indiscernible) institution midwives. Our
- 14 membership includes both Limes and Nurse-Midwives who
- 15 primarily provide services in a home birth or out of
- 16 institution setting.
- 17 MR. HICKS: Ms. McDonald?
- 18 MS. McDONALD: I also represent a patient to
- 19 (indiscernible) group for Maternal Health Services,
- 20 Maryland Families for Safe Birth. And this is going to
- 21 be kind of like our consumers for the home birth

- 1 community.
- 2 MR. HICKS: Ms. McDonald?
- 3 MS. McDONALD: I'm sorry.
- 4 MR. HICKS: I'm sorry. Can you hold on one
- 5 second?
- 6 MS. McDONALD: Sure. No problem. There's
- 7 someone in the room, so we're just trying to understand.
- 8 MS. WILLIAMS: I'm Nikki Williams. I'm the
- 9 president of AIM that she mentioned, so.
- 10 UNIDENTIFIED SPEAKER: Okay.
- 11 MR. HICKS: I'm sorry.
- MS. WILLAIMS: I will be addressing
- 13 (indiscernible).
- MR. HICKS: Speak up a little bit louder.
- MS. WILLIAMS: Nikki Williams, the president of
- 16 the Association of Independent Maryland Midwives.
- 17 MR. HICKS: All right. So, Ms. McDonald, just
- 18 so you know, Ms. Williams is in the room.
- 19 MS. McDONALD: Great. Thank you. Hi, Nikki.
- 20 So, and I'm happy because there's two issues we just
- 21 wanted to raise to the board's attention for your

- 1 consideration and hopefully, you know, work on going
- 2 forward for some clarification on these two points.
- 3 (Indiscernible) and then since we do have Nikki and
- 4 Paige, some of our actual practicing LDMs, they would be
- 5 able to speak in a little bit more detail. But, so, the
- 6 first has to deal with our midwifery students, primarily
- 7 LDEM midwifery students and seeking some clarification
- 8 around the exemption in how the DEM Practice Act where a
- 9 student can, you know, has been exempted from needing a
- 10 license to practice midwifery when there in an approved
- 11 educational program and provided services under the
- 12 supervision of a licensed midwife. So, you know, a
- 13 couple things have happened since our initial licensure
- 14 legislation passed in 2015. A subsequent bill was passed
- 15 in 2018 that updated the different educational paths that
- 16 a CPM or an LDEM can take for licensure in Maryland to
- 17 include the Bridge Program through our certifying body,
- 18 NARM, the North American Midwifery Registry if I have
- 19 that right. So, here's our issue. For licensure
- 20 purposes, all our education programs, whether it be a
- 21 unique accredited school or either the Bridge Program

- 1 through NARM, you know, all about the paths that we have
- 2 had LDEMs successfully teach licensure in the state.
- 3 Where we're seeing a little bit of a disconnect is when
- 4 we have students working with our licensed midwives as
- 5 part of their training. We've had some issues where
- 6 they've been seen as practicing midwifery without a
- 7 license. So, all we're really seeking is a clarification
- 8 that all of those educational programs that are listed in
- 9 the statute and all their components are viewed as valid
- 10 educational programs for that exemption. You know, we
- 11 did discuss this in the LDEM Advisory Committee as Monica
- 12 mentioned at the November meeting. And we though, you
- 13 know, one proposal that the board may want to consider to
- 14 help clarify this is to update the underlying regulations
- 15 to reflect the same language that's currently included in
- 16 the statute. It was my understanding from the board that
- 17 that's something that's been under consideration, it just
- 18 hand, you know, gone through the, you know, the full
- 19 regulatory processes in the Department of Health. AIMS,
- 20 MSSB as interested parties are happy to work with the
- 21 board to kind of develop that language or pull it from

- 1 statute or whatever we can do to help whatever either the
- 2 full board or community advisory sitting. So, that's the
- 3 first issue. Just seeking clarification on that so our
- 4 students know what they can and can't be doing when
- 5 they're in an educational program in Maryland.
- And, you know, the second issue is somewhat related,
- 7 but also has to do with, you know, members of our
- 8 midwifery community who are not necessarily full midwives
- 9 yet. And that has to deal with our birth assistants.
- 10 So, again, going back to our original Practice Act passed
- 11 in 2015, at the time, language was included that requires
- 12 an LDM at that time of delivery to have a second
- 13 individual there. So, you know, it just says a second
- 14 individual who -- And the only requirement is that they
- 15 are trained and able to perform a neonatal resuscitation.
- 16 And it doesn't really, you know, have much detail beyond
- 17 that. And it's my understanding this is pretty standard
- 18 practice not only for our direct-entry midwives but for
- 19 Nurse-Midwives as well. And all our midwives are
- 20 practicing in the state. And, you know, there was some
- 21 discussion at the time the bill was passed about whether

- 1 we should require two midwives or we just have a midwife
- 2 and an assistant. Ultimately, it was decided that just a
- 3 second individual in that assistant role would be
- 4 appropriate. But partially because we were concerned we
- 5 wouldn't have sufficient direct-entry midwives that they
- 6 would have two at every birth. So, you know, that's
- 7 obviously something that our (indiscernible) is not
- 8 exactly complying with since licensure began in 2015.
- 9 What has happened is there's been some recent cases where
- 10 the (indiscernible) practice or (indiscernible) or
- 11 services those assistants can provide during delivery and
- 12 birth have come into question. And, again, we're just
- 13 coming to the board to kind of raise that as an issue for
- 14 discussion and hopefully seek some clarification because
- 15 what is happening is because the individuals who often
- 16 have been assistants, if they are unclear on what they
- 17 can and can't do at a delivery, one, they may not want to
- 18 act as assistants, which makes it difficult for us to
- 19 comply with the law since we have to have them present
- 20 or, alternatively, they are acting as assistants but then
- 21 they hesitate or be unclear about what they're allowed to

- 1 do, you know, in a healthcare situation. And obviously,
- 2 that can lead to some public health issues. So, again,
- 3 whatever the board thinks is appropriate, whether we kind
- 4 of discuss clarifications with the board or through the
- 5 Advisory Committee, we did just want to flag these two
- 6 issues because they are having an impact on how our
- 7 midwives are practicing in Maryland and our ability to
- 8 retain assistants and, you know, and our ability to
- 9 practice. So, that's kind of a broad overview. Again, I
- 10 know we have some of our LDM present here today who may
- 11 be able to provide a little more detail as actual
- 12 practitioners. So, I'm happy to answer any questions
- 13 and, again, appreciate your time this morning.
- 14 MS. WILLIAMS: That is an accurate overview of
- 15 what's going on, those two separate issues, a discrepancy
- 16 between what was revised in 2018 and what is actually,
- 17 like, codified law. And then, of course, if you would
- 18 like to add some clarifying language. It could be as
- 19 simple as one sentence that clarifies what the second
- 20 person that is required at a birth can do. And I don't
- 21 know, especially following the whole fiscal discussion,

- 1 if we want to go down the road of licensing birth
- 2 assistants and all that goes with that or if we want to
- 3 just add a sentence that will then guide midwives and
- 4 regulators as to what a second person, second trained
- 5 person at a birth, whether it's with a Certified Nurse-
- 6 Midwife or a Certified Midwife or a Certified
- 7 Professional Midwife or for an LDEM, what they are
- 8 expected to do and cannot do.
- 9 MR. HICKS: Thank you. All right. So, thank
- 10 you both for presenting this morning. We'll take that
- 11 information that you provided into consideration and, you
- 12 know, we'll work through the committee to make sure that
- 13 they can look into your concerns. All right. Thank you.
- 14 All right.
- MS. McDONALD: Thank you.
- 16 MR. HICKS: I will -- All right. I will now
- 17 open up the floor to anyone else that may want to address
- 18 the board. All right. Hearing none, I'm going to -- In
- 19 a moment, I'm going to ask if there is a motion to close
- 20 the open session. But first, I'm going to walk us
- 21 through the written statement that is required by the

- 1 Open Meetings Act to ensure that all board members agree
- 2 that (indiscernible). As documented in the written
- 3 statement, the statutory authority to close this Open
- 4 Session and meet in Closed Session is General Provision
- 5 Article 3-305(b)13, which gives the Board the authority
- 6 to close the Open Session, to comply with the specific
- 7 constitutional statutory or judicial imposed requirement
- 8 that prevents public disclosures about a particular
- 9 matter or proceeding. The topic to be discussed during a
- 10 closed session is applications for licensure and/or
- 11 certification. The reason for discussing this topic in
- 12 closed session is to discuss confidential matters that
- 13 are prohibited from public disclosures by the Annotated
- 14 Code of Maryland, Health Occupations Article Sections 8-
- 303(f), Health Occupations Article 8-320(a), Health
- 16 Occupations Article 1-401, and General Provisions Article
- 17 4-333. In addition, the board may also perform quasi-
- 18 judicial and administrative functions involving
- 19 disciplinary matters during the closed session. Is there
- 20 a motion to close this open session pursuant to the
- 21 statutory authority and the reasons cited in the written

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   statement, or any discussion thereof?
              MS. STENBERG: Steinberg.
 2
 3
              MR. HICKS: Steinberg.
              MS. HAYWARD: Second, Hayward.
              MR. HICKS: Hayward. All in favor?
 5
 6
              ALL: Aye.
 7
              MR. HICKS: Opposed?
 8
                        (No oppositions)
 9
              MR. HICKS: Motion carries. Thank you,
    everyone. Have a great day. Board members, we will be
10
    convened at 10:30.
11
12
              (Whereupon, at 10:30 a.m. the open session was
13
    adjourned.)
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1	CERTIFICATE OF NOTARY				
2	I, SABRINA BOYD, a Notary Public of the State of				
3	Maryland, do hereby certify that the proceedings were				
4	recorded via audio by me and that this transcript is a				
5	true record of the proceedings. I am not responsible for				
6	inaudible portions of the proceedings.				
7	I further certify I am not of counsel to any of				
8	the parties, nor an employee of counsel, nor related to				
9	any of the parties, nor in any way interested in the				
10	outcome of this action as witness my hand and notarial				
11	seal this 25th day of January, 2023.				
12					
13					
14					
15	Sabrina Boyd, Notary Public				
16	in and for the State of Maryland				
17					
18					
19					
20					
21	My commission expires: July 21, 2024				

1	MARYLAND BOARD OF NURSING
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3	* * * * *
4	OPEN SESSION
5	* * * * *
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7	
8	The Maryland Board of Nursing board meeting was
9	held on Wednesday, January 25, 2023, at 4140 Patterson
10	Avenue, Baltimore, Maryland 21215, commencing at 9:10
11	a.m. before Sabrina Boyd, Notary Public in and for
12	the State of Maryland.
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19	
20	AUDIO RECORDING BY: Sabrina Boyd, Notary Public
21	

Τ	APPEARANCES:
2	
3	BOARD MEMBER APPEARANCES:
4	GARY HICKS, RN Member, Board President
5	ANN TURNER, RN Member, Board Secretary
6	M. DAWNE HAYWARD, RN Member
7	EMALIE GIBBONS-BAKER, APRN Member (via telephone)
8	AUDREY CASSIDY, Consumer Member
9	SUSAN STEINBERG, Consumer Member
10	ROBIN HILL, RN Member, LPN Educator
11	HEATHER WESTERFIELD, RN Member
12	CHRISTINE LECHLITER, RN Member
13	SUSAN LYONS, APRN Member
14	NICOLE BEESON, RN, Administrator Member
15	
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1	ALSO PRESENT:				
2					
3	IMAN FARID, Health Policy Analyst (via telephone)				
4	PAIGE BAROCCA, LDEM				
5	CHANTE (phonetic)				
6	MAXINE TRANUM (phonetic)				
7	NIKKI WILLIAMS				
8	KAITLYN McDONALD (phonetic)				
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1 PROCEEDINGS
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- 2 MR. HICKS: All right. So, is there a motion
- 3 to approve the on-site report for Wor-Wic Community
- 4 College?
- 5 MS. ROBIN HILL: So moved. Dr. Robin.
- 6 MR. HICKS: Dr. Robin Hill.
- 7 MS. TURNER: Second. Ann Turner.
- 8 MR. HICKS: Turner. All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No oppositions)
- MR. HICKS: Motion carries.
- DR. GREEN: Thank you. Our final item before
- 14 (indiscernible) are (indiscernible) follow up
- 15 (indiscernible) determine the findings of our board
- 16 visit to (indiscernible) in December. Oh, I'm sorry. I
- 17 forgot to acknowledge you and thank you for being here.
- 18 I apologize for that. So, anyway, let me move down. The
- 19 fourth thing, Bowie State University, we did complete on-
- 20 site visit (indiscernible) licensure and myself on
- 21 September 13 through the 15th of 2022. We have already

- 1 presented those findings in our December 2022 report to
- 2 the board, which the board approved in terms of Bowie
- 3 State University being in full compliance with all
- 4 aspects from services with the board. But we wanted to
- 5 just come back. Although we mentioned in our documents
- 6 that we did discuss and had a preliminary ethical policy
- 7 while we were present. We completed and we wanted to
- 8 verify with the board that we do complete a follow up
- 9 just to indicate that we are in compliance with COMAR
- 10 10.27.02.14(d)10 regarding ethical policies also in
- 11 compliance, of course, with Maryland Higher Education
- 12 Commission. We (indiscernible) admissions at Middle
- 13 States Commission on Higher Education Standard II, Ethics
- 14 and Integrity. We verified information through nursing
- 15 student handbooks and Bowie State University through
- 16 discussions with the administrative team, nursing
- 17 education team at Bowie State in recognizing the policy
- 18 for identifying (indiscernible). We just wanted to have
- 19 that for the board's record and for our compliance with
- 20 the particular standard of, in terms of ethical practices
- 21 within the university. The recognition that we wanted to

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1 bring forward to the board just so we have that on the

- 2 record. Thank you.
- 3 MR. HICKS: And thank you, Dr. Green. Is there
- 4 any questions for Dr. Green? All right. Thank you, Dr.
- 5 Green.
- DR. GREEN: You're welcome.
- 7 MR. HICKS: I'm sorry. We do need approval for
- 8 that. So, is there a motion to approve?
- 9 MS. HAYWARD: Submitted.
- MR. HICKS: Hayward.
- MS. GIBBONS-BAKER: Second.
- MR. HICKS: Gibbons-Baker. All in favor?
- 13 ALL: Aye.
- MR. HICKS: Opposed?
- DR. JACQUELINE: And I recuse myself.
- MR. HICKS: Okay. Dr. Jacqueline now recuses
- 17 herself. I'm sorry. All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: The motion carries.

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1 DR. GREEN: Thank you.
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- 2 MR. HICKS: Thank you. All right. We'll move
- 3 down to legislative affairs. Iman, are you online?
- 4 MS. FARID: Yes. I am online. Can you hear
- 5 me?
- 6 MR. HICKS: Yes, ma'am.
- 7 MS. FARID: Good morning, everyone, and happy
- 8 Wednesday. We have two legislative items for this
- 9 morning. We're going to start with legislative item 7A.
- 10 This is a very brief presentation introducing the 2023
- 11 legislative action. First, the board has a legislative
- 12 committee. Currently, the committees meets weekly on
- 13 Tuesday afternoon from 4:00 to 6:00 p.m. The committee
- 14 is comprised of three board members, three to five board
- 15 staff, and two to three board council. The committee's
- 16 primary responsibility is to identify issues that are
- 17 suitable for legislative review, gather and evaluate
- 18 information, and then recommend a course of action. Some
- 19 additional duties of the committee include staying
- 20 informed of bills that are introduced during a legislate
- 21 session that impact the board's mission, its

- 1 constituents, and the safe practice of nursing, propose
- 2 amendments to statutes and regulations as necessary, to
- 3 request best practices, and to determine it fills in for
- 4 any physical, operational, or legal impact for the Board
- 5 of Nursing. The next slide I have is a brief timeline of
- 6 the legislative session. Really, the two things I would
- 7 like for you to note is that on January 11, the
- 8 legislative session began. And April 10 the current sine
- 9 die or adjournment of the legislative session. In
- 10 between those two dates, the board will be active in
- 11 providing testimony, written and oral, to the legislators
- 12 in general assembly as well as participating in
- 13 subcommittee work groups. The next slide I have is a
- 14 schematic of the life cycle of a bill. At the shortest,
- 15 a bill can be assigned to the board within one day of
- 16 being introduced and at the latest, a week after being
- 17 introduced. Essentially, a bill would be introduced to
- 18 the Maryland General Assembly. It will be reviewed by
- 19 MGA staff, which will then send over the bill if it's
- 20 related to public health, healthcare, or health
- 21 occupations to the Department of Health, specifically the

- 1 Office of Governmental Affairs, for further review. Once
- 2 the office within MDH determines that the issues is
- 3 related to health, public health, or healthcare, it will
- 4 be assigned to the appropriate administration. If it's,
- 5 for example, related to nursing, it will be assigned to
- 6 the Board of Nursing for further review. The Legislative
- 7 Committee will review the bill on a weekly basis and will
- 8 determine whether a position is needed to be taken. I,
- 9 as the legislative liaison, will present the board's
- 10 position back to the Office of General Assembly and
- 11 submit any written testimony if appropriate. And
- 12 finally, the last slide is just a brief review of the
- 13 different positions the board can take. I won't read the
- 14 descriptions, but I did want to note that there are three
- 15 main categories: positions that are neutral, positions
- 16 that are in favor, and positions that are in opposition.
- 17 I wanted to bring some historical data from the 2022
- 18 legislative session last year. The legislative committee
- 19 reviewed a total of 86 bills and submitted 49 letters, 36
- 20 of which of those bills the Board of Nursing has no
- 21 position on. So, the committee between the months of

- 1 January and April does review a large volume of bills and
- 2 elects to take positions when appropriate. And with
- 3 that, I will be happy to answer any questions you may
- 4 have.
- 5 MR. HICKS: All right. Are there any questions
- 6 for Iman?
- 7 MR. HICKS: Okay. All right. Okay, Iman. No
- 8 questions. We can move on to B.
- 9 MS. FARID: Yes. The next item is 76,
- 10 memorandum provides a list of bills that were assigned to
- 11 the board between the week of January 11 through the week
- 12 of January 23. The legislative committee requests the
- 13 board to ratify the positions that I will be reading.
- 14 First, we have House Bill 25, titled Public Health,
- 15 Healthy Maryland Program Establishment. This bill
- 16 establishes the Healthy Maryland Program as a public
- 17 corporation and a unit of state government to provide
- 18 comprehensive, universal, single payer healthcare
- 19 services to residents of the State of Maryland. The
- 20 board took no position. House Bill 28, titled Income Tax
- 21 Credit for Caregivers of Senior Family Members. This

- 1 bill allows a credit against the state income tax for
- 2 qualified expenses paid or incurred by a taxpayer during
- 3 the taxable year in caring for a qualified senior family
- 4 member. The board presented a letter of information with
- 5 amendments. House Bill 121, cross-filed with Senate Bill
- 6 8, Mental Health Treatment Plans for Individuals in
- 7 Facilities Requirements. This bill requires that a plan
- 8 of treatment for an individual with a mental disorder
- 9 include a certain discharge goal and an estimate of the
- 10 length of inpatient stay. This bill also requires that
- 11 facility staff review and (indiscernible) a treatment
- 12 plan within certain time periods and establishes certain
- 13 rights relating to the participation of family members
- 14 and the development, review, and reassessment of a plan
- 15 of treatment. And finally, this bill establishes an
- 16 appeals process relating to the review and reassessment
- 17 of a plan of treatment. The board took no position.
- 18 House Bill 136, Child Support Enforcement, Occupational
- 19 and Recreational Licenses, Taxpayer Identification
- 20 Numbers. This bill requires an applicant for a license
- 21 to disclose the Social Security number or taxpayer

- 1 identification number on their license and also the
- 2 duties of certain licensing authorities relating to the
- 3 suspension or denial of licenses for child support
- 4 arrearages. The board submitted a letter of information.
- 5 Senate Bill 64, HIV Prevention Drugs, Prescribing and
- 6 Dispensing by Pharmacists and Insurance Requirements.
- 7 This bill authorizes pharmacists to prescribe and
- 8 dispense post-exposure prophylactics for HIV prevention
- 9 to patients under certain circumstances and requires the
- 10 Maryland Medical Assistance Program to provide drugs that
- 11 are approved by the FDA for HIV prevention. And,
- 12 finally, this bill prohibits certain agencies from
- 13 requiring prior authorization for certain drugs and/or
- 14 therapies. The board submitted a letter of concern.
- 15 Senate Bill 78, titled Health Occupations, Service
- 16 Members, Veterans, and Military Spouses Temporary
- 17 Licensure Certification, Registration, and Permitting.
- 18 This bill requires health occupation boards to issue an
- 19 expedited temporary license certificate or permit to a
- 20 service member, veteran, or military spouse who meets
- 21 certain requirements and requires that each health

- 1 occupation form include a checkoff box prominently on an
- 2 application form. Finally, this bill requires NEH to
- 3 publish information on its website. The board submitted
- 4 a letter of information with amendments. And finally,
- 5 Senate Bill 104, Labor and Employment Apprenticeship and
- 6 Documentation on the Apprenticeship and Training Counsel.
- 7 This bill requires that the apprenticeship and training
- 8 counsel include representation by individuals who are
- 9 black and Latino and establishes apprenticeship 2030
- 10 commission to examine and make recommendations to expand
- 11 access to apprenticeship to reduce field shortages in
- 12 high demand occupations. And finally, this bill requires
- 13 the governors include an appropriation in the
- 14 (indiscernible).
- 15 (Crosstalk)
- 16 I'm sorry. Someone is speaking. Can you
- 17 please mute your phones? Thank you. And with that, I
- 18 would be happy to answer any questions.
- 19 MR. HICKS: Any questions for Iman? All right.
- 20 Hearing none, thank you, Iman. So, we'll take a vote to
- 21 approve the recommendations by the legislative committee

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1 as Iman outlined. Is there a motion to approve?
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- 2 DR. HILL: So moved. Robin Hill.
- 3 MR. HICKS: Dr. Robin Hill, Gibbons-Baker. All
- 4 in favor?
- 5 ALL: Aye
- 6 MR. HICKS: Opposed?
- 7 (No oppositions)
- 8 MR. HICKS: The motion carries. All right.
- 9 Thank you, Iman.
- 10 MS. FARID: Thank you.
- 11 MR. HICKS: All right. We'll go down to direct
- 12 into midwifery wives and electrology. Monica?
- MS. MENTZER: Yes. Good morning, everyone.
- 14 ALL: Good morning.
- MS. MENTZER: How are you? Happy New Year.
- Okay. So, we're going to start with 8A. This
- 17 is a request to the board for an appointment. The
- 18 Maryland Board of Nursing direction to Midwifery Advisory
- 19 Committee Annotated Code of Maryland Health Occupations
- 20 Article Title VIII, Subtitle 16, Section 8-6B-11 provides
- 21 for membership. The committee consists of seven members

- 1 appointed by the board. The following Direct Entry
- 2 Midwifery Advisory Committee member has completed
- 3 appointment terms to the committee on December 31, 2022.
- 4 That was Ms. Jan Krebs, Certified Nurse Midwife, CNM
- 5 member. The following committee member is unable to
- 6 attend the committee meetings and has notified the
- 7 committee that she will need to resign her duties from
- 8 the committee, Dr. Monica Buche, M.D. an H.N.
- 9 representative. The committee therefore requests to the
- 10 board consideration of the board to provide for
- 11 appointments for the above open positions to the
- 12 committee. I should also have information on this --
- 13 Nothing for Dr. Monica Boucher, but for Ms. Jan Krebs,
- 14 one of the individuals that has contacted the Board of
- 15 Nursing to consider the board appointing her. Do you
- 16 have any questions?
- 17 MR. HICKS: Any questions for Monica? All
- 18 right. So, is there a motion to approve Dr. Mairi Breen
- 19 Rothman for the Direct-Entry Midwifery Advisory
- 20 Committee?
- MS. GIBBONS-BAKER: So moved. Gibbons.

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1 MR. HICKS: Gibbons-Baker.
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- MS. LYONS: Second, Lyons.
- 3 MR. HICKS: Lyons. All in favor?
- 4 ALL: Aye
- 5 MR. HICKS: Opposed?
- 6 (No opposition)
- 7 MR. HICKS: Motion carries. All right.
- 8 Monica, while you're there, do you want to do your
- 9 quarterly report?
- 10 MS. MENTZER: Yes. We're going to move down to
- 11 9D, this is the Direct-Entry Midwifery Advisory
- 12 Committee, second quarter fiscal year 2023 report to the
- 13 board. Meetings: The committee holds scheduled meetings
- 14 monthly on the first Friday of each month. The committee
- 15 meets as necessary to conduct committee business.
- 16 Meetings are held when there are sufficient agenda items
- or when the board receives applications for initial
- 18 licensure or renewal of licensure as a direct-entry
- 19 midwife. During the second quarter of FY 2023 from
- 20 October 1 through December 31, 2022, the committee met
- 21 three times; October 14, November 4, and December 2.

- 1 Licensees during the FY '23 second quarter, there were 32
- 2 active direct-entry midwives licensed in Maryland.
- 3 Status of work completed: Pursuant to in accordance with
- 4 Maryland Code Health Occupations 8-6B-10, LDEMs are
- 5 required to complete and submit an annual data collection
- 6 form approved by the Maryland Board of Nursing on an
- 7 annual basis by October 1 of each year. The annual data
- 8 collection form requires LDEMs to report certain data to
- 9 the board regarding their clients and practice between
- July 1 and June 30 of each year of the reporting period.
- 11 At its October 14, 2022, the committee reviewed and
- 12 aggregated the data from the reporting period submitted
- 13 by the LDEMs and discussed the committee's
- 14 recommendations regarding the following at its November
- 15 4, 2022 committee meeting: The continuation and
- 16 improvement of the licensure of licensed direct-entry
- 17 midwifes in the state, any recommendations regarding
- 18 expanding the scope of practice of licensed direct-entry
- 19 midwives, and any recommendations including
- 20 recommendations for legislation regarding the scope of
- 21 practice of licensed direct-entry midwives to include

- 1 vaginal birth after cesarean. The committee reported the
- 2 results of the aggregated data from 35 annual data
- 3 collection forms received by the board and the committee
- 4 recommendations approved by the committee members on
- 5 November 4, 2022 to the Maryland Board of Nursing at its
- 6 November 16, 2022 open session board meeting. The board
- 7 reviewed the committee's report and recommendations and
- 8 submitted the board's required direct-entry midwives'
- 9 annual report to the legislature by December 1 of 2022.
- 10 Work in progress: The committee received a request from
- 11 Ms. Nikki Williams, LDEM, on behalf of the Association of
- 12 Independent Midwives of Maryland on October 14, 2022 for
- 13 the committee to review. A copy of this letter is
- 14 attached to this report. The committee reviewed the
- 15 letter at its meeting on November 4, 2022. Additional
- 16 information will be presented to the board at an open
- 17 session meeting later today. At the request of Ms. Paige
- 18 Barocca, LDEM and member of the committee, the committee
- 19 was asked to provide a template for an individual
- 20 transfer care plan as guidance for LDEMs on the Maryland
- 21 Board of Nursing website. The committee and the board

- 1 have previously provided such a document. The committee
- 2 reviewed a prior copy of the document at its meetings on
- 3 November 4 and December 2, 2022 for any necessary changes
- 4 or updates, specifically to be consistent with current
- 5 law and applicable community standards. The committee
- 6 will further review the proposed changes at its committee
- 7 meeting on January 6, 2023. Membership on the committee:
- 8 The third appointment to the board by the board is a
- 9 member on the committee representing the Maryland
- 10 Hospital Association is Dr. Monic Buche, M.D. At the
- 11 board's meeting on December 14, 2022, the committee
- 12 notified that board that Dr. Buche has resigned and the
- 13 board will need to make an appointment for the position
- 14 vacated by Dr. Buche's resignation to represent the MHA
- 15 on the committee. At its board's open session meeting on
- 16 December 14, 2022, the board appointed Ms. Tess Brody,
- 17 LDEM, license number DEM00029 to the committee, effective
- date January 1, 2023, to replace Ms. Karen Webster, LDEM,
- 19 whose term expired on December 31, 2022. At the board's
- 20 open session meeting on December 14, 2022, the committee
- 21 requested that the board appoint an advanced practice

- 1 registered nurse/Certified Nurse-Midwife licensed in
- 2 Maryland to the committee to replace Ms. Jan Krebs,
- 3 Certified Nurse-Midwife whose second term expired on
- 4 December 31, 2022. The next meetings of the Direct-Entry
- 5 Midwifery Advisory Committee occurred on January 6 and
- 6 are scheduled for February 3 and March 3, 2022. Do you
- 7 have any questions about the quarterly report for the
- 8 Direct-Entry Midwifery Advisory Committee?
- 9 MR. HICKS: Any questions? All right. Hearing
- 10 none, is there a motion to approve quarterly report for
- 11 the Direct-Entry Midwifery Advisory Committee?
- MS. HAYWARD: So moved Hayward.
- MR. HICKS: Ms. Hayward.
- MS. WESTERFIELD: Westerfield.
- MR. HICKS: Westerfield. All in favor?
- 16 ALL: Aye.
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries.
- 20 MS. MENTZER: Okay. And then moving down to
- 21 9E, this is the quarterly report to the Board of Nursing

- 1 from the Electrology Practice Committee for the second
- 2 quarter FY 2023. Meetings: The Electrology Practice
- 3 Committee meets as necessary to conduct committee
- 4 business. The meetings were held when there is
- 5 sufficient agenda items or when the Maryland Board of
- 6 Nursing receives initial or renewal applications for
- 7 licensure as an electrologist or electrology instructor.
- 8 The committee met three times during the second quarter
- 9 of FY 2023 on October 5, November 2, and December 7,
- 10 2022. Currently, there are 50 active electrologists and
- 11 two active electrology instructors licensed in Maryland.
- 12 Status of work completed: The committee conducted a
- 13 final review for two applicants for initial licensure to
- 14 practice electrology on December 7, 2022 and were able to
- 15 recommend to the board to approve the two applicants, Ms.
- 16 Jacqueline Tedros (phonetic) and Ms. Ahuba Boken
- 17 (phonetic) as meeting all of the minimum requirements for
- 18 initial licensure to practice electrology in Maryland.
- 19 At its open session board meeting on December 14, 2022,
- 20 the board accepted the committee's recommendation for
- 21 approval to license Ms. Jacqueline Tedros and Ms. Ahuba

- 1 Boken to practice electrology in the State of Maryland.
- 2 On December 27, 2022, pursuant to the board's approval,
- 3 the board issued licenses to practice electrology in the
- 4 State of Maryland to Ms. Jacqueline Tedros, license
- 5 number E01478 and Ms. Ahuba Boken, license number E01477.
- 6 The board also sent a letter of notification of licensure
- 7 to each of the newly licensed electrologists by US Postal
- 8 Service on December 27, 2022. Review of reinstatement
- 9 and reinstatement applications for licensure as
- 10 electrologists and/or electrology instructor: The
- 11 committee received and reviewed one application for
- 12 reactivation of an electrology license that the board
- 13 placed on inactive status. The committee reviewed and
- 14 completed its review of the completed application at its
- 15 meeting on December 7, 2022 and recommended to the board
- 16 that the board approve the reactivation of the
- 17 electrology license of Ms. Deborah Winter (phonetic),
- 18 license number E01457. And on December 14, 2022, at its
- 19 open session board meeting, the board approved the
- 20 reactivation of the electrology license of Deborah
- 21 Winter, license number E01457. Status of work in

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1 progress: At its December 7, 2022 meeting, the committee
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- 2 members requested that the committee review the current
- 3 approved clinical examination form and the Maryland Law
- 4 Examination Exam to update the documents. The committee
- 5 began the process of updating both documents and will
- 6 continue to review both documents at its next scheduled
- 7 committee meeting. Membership: Ms. Debra Larsen, LE,
- 8 chair of the committee, has completed her second four-
- 9 year term as a committee member on June 30, 2021. The
- 10 committee has posted a notice on its website requesting
- 11 interested electrologists who are licensed and meet all
- 12 of the requirements for an appointment on a committee to
- 13 submit a letter of interest with resume to the board. To
- 14 date, the board has not received any potential candidate
- 15 interested in being considered for an appointment to
- 16 replace Ms. Larsen. Ms. Larsen is able to continue to
- 17 serve unless and until a successor is appointed and
- 18 qualifies in accordance with Maryland Code Annotated
- 19 Health Occupations Section 8-6B-05(f)(3). Meetings: The
- 20 next meetings of the committee occurred on January 11 and
- 21 are scheduled for February 8, 2023 and March 8, 2023.

- 1 Are there any questions about the Electrology Practice
- 2 Committee second quarter FY '23 quarterly report to the
- 3 board?
- 4 MR. HICKS: All right. Hearing none, is there
- 5 a motion to approve the Electrology Practice Committee's
- 6 Quarterly Report? Steinberg.
- 7 MR. HICKS: Ms. Steinberg. Lechliter?
- 8 MR. HICKS: Lechliter. All in favor?
- 9 ALL: Aye.
- MR. HICKS: Opposed?
- 11 (No opposition)
- 12 MR. HICKS: Motion carries. Thank you, Monica.
- MS. MENTZER: Yes. Thank you.
- MR. HICKS: And we'll go back up to A under 9,
- 15 that's disciplining Lions (phonetic) program. Amber.
- MS. BERNAL: Good morning. I'm Amber Havens
- 17 Bernal with the Discipline Program of the board's
- 18 Enforcement Division. I have the last quarter of 2022
- 19 report for the Discipline Program and the Compliance
- 20 Program. During the last quarter, there were 22 cases
- 21 voted for charges and transferred to the Office of the

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1 Attorney General for handling. A total of nine summary
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- 2 suspension orders were issued. This includes orders
- 3 continuing summary suspensions. Three cases were
- 4 scheduled for case resolution conference. Two consent
- 5 orders were executed. One voluntary surrender. Once
- 6 case was voted to rescind and desist. Two default cases
- 7 were sanctioned and the board held 11 hearings. That's
- 8 both evidentiary and show cause. Now, compliance, there
- 9 was one probation order initiated. No reprimands with
- 10 conditions initiated. One case was scheduled to the
- 11 program case manager. One probation order was
- 12 terminated. One case was presented to the board for
- 13 violation of probation and there are a total of 61 cases
- on probation with the board. Are there any questions?
- 15 MR. HICKS: Any questions for Amber? Hearing
- 16 none, is there a motion to approve the disciplinary
- 17 findings? All in favor?
- 18 ALL: Aye.
- MR. HICKS: Opposed?
- 20 (No oppositions)
- 21 MR. HICKS: Motion carries. Thank you, Amber.

- 1 MS. BERNAL: Thank you.
- 2 MR. HICKS: We'll go down to State Practice.
- 3 Valencia?
- 4 MS. JACKSON: Good morning, everyone. My name
- 5 is Valencia Jackson. I'm the State Practice coordinator
- 6 here at the board. Today's staff was October through
- 7 December of 2022. A meeting scheduled, and held two per
- 8 month for a total of six. Scheduled for committee
- 9 meetings October 24, November 15, December 13 for a
- 10 quarter total of 52. New agreements given October, 3,
- 11 November, 3, December, zero, for a quarter total of six.
- 12 Expelled, October, one, November, three, December, one,
- 13 for a quarter total of five. Successfully discharged
- 14 from the program October, one, November, zero, December,
- 15 zero, for a quarter total of one. And active
- 16 participants, October, 65, November, 65, and December, 64
- 17 for a current total of 64 positions. Anyone have any
- 18 questions?
- 19 MR. HICKS: Anyone have any questions? And
- 20 hearing none, is there a motion to accept the quarterly
- 21 report for the State Practice Committee?

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1 MR. HICKS: Gibbons-Baker.
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- MS. HAYWARD: Second.
- 3 MR. HICKS: Hayward. All in favor?
- 4 ALL: Aye.
- 5 MR. HICKS: Opposed?
- 6 (No oppositions)
- 7 MR. HICKS: Motion carries. Thank you,
- 8 Valencia. We'll go down to Investigation Status Reports.
- 9 Chante (phonetic)?
- 10 CHANTE: Good morning.
- 11 So, for CID, complaints received for October,
- 12 63, November, 75, and December, 69 for a quarter total of
- 13 207. I just want to remind everyone for October,
- 14 November, December we only have one triage meeting each
- 15 month due to holidays. Complaints closed by take no
- 16 action. October, 21, November, 44, December, 30, for a
- 17 quarter total of 95. Complaints closed by charges.
- 18 October, seven, November, four, December, two, for a
- 19 quarter total of 13. Cold cases, complaints closed by
- 20 state no action backlog review. October, 18, November,
- 21 46, and December, zero, for a quarter total of 164.

- 1 Complaints, cold case complaints closed administratively.
- October, eight, November, five, December, eight, for a
- 3 quarter total of 21. Average number of days between
- 4 receipt of complaint and report of investigation
- 5 submission. October, 287, November, 79, December, 118
- 6 for a quarter average of 161 days. Our total open
- 7 complaints. Cold case, which is 2018 and further -- that
- 8 -- between that time, 3,931. Our current case total is
- 9 2,937. Any questions?
- 10 MR. HICKS: Any questions?? Thank you, Chante.
- 11 CHANTE: You're welcome.
- 12 MR. HICKS: Oh, I'm sorry. Is there a motion
- 13 to approve the quarterly report for the investigations?
- MR. HICKS: Steinberg.
- MS. LECHLITER: Second.
- MR. HICKS: Lechliter. All in favor?
- 17 ALL: Aye.
- MR. HICKS: Opposed?
- 19 (No opposition)
- 20 MR. HICKS: Motion carries. Thank you. All
- 21 right. Moving down to Fiscal Management and Maxine.

- 1 MS. TRANUM: Good morning, everyone. My name
- 2 is Maxine Tranum (phonetic) and I'm the agency fiscal
- 3 officer. Just wanted to prepare you a quick overview of
- 4 the quarter two FY '23 budget and how we ended. Year to
- 5 date quarter two adjustment net for FY '23 ending in a
- 6 deficit. FY '23 quarter two gross net profit at the end
- 7 of the quarter was in the black, however, as we deducted
- 8 out our fees and as our expenses continue to grow, that
- 9 left us with a deficit. Expenses continue to increase
- 10 across the fiscal years. If you look from 2021 to 2023
- 11 they increased as everything else continues to increase.
- 12 The adjusted net for FY '23 quarter two compared to FY
- 13 '22 quarter two showed a significant decline from
- 14 \$383,390.00 to negative \$42,215.00. In summary, we have
- 15 to find ways to generate revenue.
- MR. HICKS: Maxine, you talk about deficit. In
- 17 terms of dollars, what does that look like?
- 18 MS. TRANUM: Not good at all. As we progress
- 19 through the rest of the FY '23 fiscal year, it's just
- 20 going to get worse, because we have a lot of unallocated
- 21 expenses for IT, there's always something coming up.

- 1 When we did the upgrade on the boardroom, we really --
- 2 That really wasn't budgeted as well. I mean, we're just
- 3 -- It's, like, everything is just increasing in terms of
- 4 expenses and we just have no revenue coming in other than
- 5 what, you know, what we're allotted at the beginning of
- 6 the FY year.
- 7 MR. HICKS: What I meant by that was, do you
- 8 have a dollar amount that is -- overall that's a number.
- 9 MR. TRANUM: I don't. Other than when I do the
- 10 quarterly and right now it's negative \$43,000.00. I
- 11 mean, I could try and do an estimate of the complete year
- 12 because basically how it works is that when we have
- 13 unallocated expenses come in, I have to factor all that
- 14 in in terms of hiring positions as well.
- 15 MR. HICKS: Is there a specific -- And I'm not
- 16 sure how you do your budgeting, but is there a specific
- 17 cost center or a specific line item that you're finding
- 18 is the most significant deficit?
- 19 MS. TRANUM: Not necessarily. For the most
- 20 part, most things are pretty much on target. IT is
- 21 really going to just obliterate us because of the fact

- 1 that, you know, with the network problem and we're going
- 2 with the Dewey (phonetic). That's going to be a huge
- 3 expense. Yeah, that's going to be a huge expense.
- 4 MR. HICKS: Thank you for that.
- 5 MS. TRANUM: Mm-hmm.
- 6 MR. HICKS: (Indiscernible) wanted you to
- 7 address how we're dealing with the deficit in terms of
- 8 (indiscernible) legislators.
- 9 MS. TRANUM: Yes.
- 10 MR. HICKS: Just so the people understand that
- 11 we're just not listening. That there is the deficit and
- 12 it is what it is but we're trying to take action over
- 13 what we're doing in terms of (indiscernible) deficit that
- 14 we already have..
- MS. TRANUM: It basically, it boils down to we
- 16 need to raise fees significantly. I heard about the
- 17 really good program that the University of Maryland St.
- 18 Joseph has with Baltimore County. That would be a great
- 19 opportunity to market and if we could increase our fees.
- 20 Because that's a lifechanging experience. And if more
- 21 people knew about that, I'm sure that would garner some

1 interest and if we could increase our fees that would

- 2 probably be a game changer.
- 3 MR. HICKS: So --
- 4 UNIDENTIFIED SPEAKER: I agree with the fees.
- 5 We have not raised our fees since 2008. The reason for
- 6 that, a 2016 email went out from Governor Hogan's office
- 7 stating that we were unable to raise our fees. Not just
- 8 this quarter, but --
- 9 MS. TRANUM: Is there any particular reason?
- 10 UNIDENTIFIED SPEAKER: I'm sorry?
- 11 MS. TRANUM: Did he give any particular reason?
- 12 UNIDENTIFIED SPEAKER: I don't (indiscernible).
- MS. TRANUM: I mean because everything keeps
- 14 increasing. I don't understand how they feel like we
- 15 shouldn't increase our fees if everything else is
- 16 increasing.
- 17 MR. HICKS: I think it was kind of in line with
- 18 his -- yeah. His position is that, you know, he wanted
- 19 to kind of keep things under containment in terms of cost
- 20 for the citizens in the State of Maryland.
- 21 UNIDENTIFIED SPEAKER: (Indiscernible) costs?

- 1 MS. TRANUM: Nobody else seems to be taking
- 2 that into consideration. I mean, well, everything is
- 3 just so expensive now.
- 4 UNIDENTIFIED SPEAKER: I take it into
- 5 consideration because I have a son (indiscernible). For
- 6 the whole time I've been here for five years, I've been
- 7 asking for an increase.
- 8 MS. TRANUM: It's desperately needed for our
- 9 fees. It's desperately needed.
- 10 UNIDENTIFIED SPEAKER: Correct. Because
- 11 nothing -- I mean, with the renovation, our rent went up
- 12 about \$10,000.00. Excuse me. That was before you came
- 13 on board, Maxine. And then for the renovations, there
- 14 were extra things added on and it also hit at the time of
- 15 COVID. So, with COVID, all the prices went sky high.
- 16 So, we can pay for something that probably wasn't as
- 17 high, but we had to pay for the high. And then we were -
- 18 Also during COVID, we had to, of course, put it on the
- 19 COVID item so the staff could (indiscernible) you know,
- 20 (indiscernible) and all of those other things. So, that
- 21 really took a big chunk, both those things took a big

- 1 chunk on top of our rent in 2020 and 2021. The rent is
- 2 still the same for right now. But other things happened.
- 3 Like, when we had to send things out of hearing here into
- 4 another agency, that cost (indiscernible). It cost a
- 5 pretty significant amount of money.
- 6 MS. TRANUM: No. That line item is done in
- 7 terms of (indiscernible).
- 8 UNIDENTIFIED SPEAKER: I understand.
- 9 MS. TRANUM: Yeah.
- 10 UNIDENTIFIED SPEAKER: I understand. Yes.
- 11 MS. TRANUM: That line item is done.
- 12 UNIDENTIFIED SPEAKER: But there's still
- 13 things, you know, for us to proceed as a board there's
- 14 still things we have to do fiscally.
- MS. TRANUM: Sure.
- 16 UNIDENTIFIED SPEAKER: One of the areas that I
- 17 am asking for is that currently, we cannot accept any
- 18 funds from anyplace else. And that's a statute we're
- 19 under. Statutory laws. So, I'm asking to open that up so
- 20 that we can apply for emergency.
- MS. TRANUM: Very good.

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1 UNIDENTIFIED SPEAKER: In other items.
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- 2 MS. TRANUM: Very good.
- 3 UNIDENTIFIED SPEAKER: I sat on one person's
- 4 committee, the National Advisory Committee of the Nursing
- 5 Education Practice. They have lots of ways that I would
- 6 love for us to participate in. So, that's one avenue.
- 7 MS. TRANUM: Would be very helpful.
- 8 UNIDENTIFIED SPEAKER: Yeah. The basic one is
- 9 increasing our fees. Do you know how many cost of living
- 10 has happened since --
- 11 MS. TRANUM: Exactly.
- 12 UNIDENTIFIED SPEAKER: 2008?
- MS. TRANUM: Exactly.
- 14 UNIDENTIFIED SPEAKER: We've all changed our
- 15 cell phone probably about five times since 2008. So,
- 16 potentially, today and tomorrow, Ms. Scott and I have a
- 17 list of things tomorrow where we're going to the
- 18 legislators. We go to the Finance Committee today. We
- 19 go to the Health and Government Committee tomorrow to
- 20 review with them the challenges that we have on both
- 21 days. Now, I have not been quiet on the challenges.

- 1 Every meeting we go to I'm sure I'm like a broken record
- 2 by now. I speak about the board's plight. I've met with
- 3 several legislators. In the interim last year and this
- 4 year about our concerns and additionally, we need staff.
- 5 If you look at the numbers that we have for cases.
- 6 MS. TRANUM: Yeah.
- 7 UNIDENTIFIED SPEAKER: It's not that we don't
- 8 want to get them done.
- 9 MS. TRNAUM: Mm-hmm.
- 10 UNIDENTIFIED SPEAKER: We definitely want to
- 11 get them done but we can't afford investigators.
- MS. TRANUM: Yeah.
- 13 UNIDENTIFIED SPEAKER: We have a lot of high
- 14 priority cases right now. Seems to have slowed down
- 15 during COVID and of course that was an interesting time.
- 16 And now picking it back up. And that's putting a major
- 17 strain. And I don't want to lose any (indiscernible) we
- 18 have. They're doing a great job.
- MS. TRANUM: Mm-hmm.
- 20 UNIDENTIFIED SPEAKER: But they're tapped out.
- 21 The rest of the staff is tapped out because I'm given an

- 1 overtime (indiscernible). Whatever I can do. They're
- 2 coming in on Saturdays just to see what we can do to
- 3 catch up. It's still not enough.
- 4 All I can say is since 2010, 2013, there were
- 5 two legislative reports. No action on those. All those
- 6 were two legislators on (indiscernible). In 2021, we had
- 7 another chairman's report. All three of them say the
- 8 same thing. We recently had a DLS report saying that our
- 9 two major areas are finance, IT, and the reports. Those
- 10 are the three major areas.
- 11 MS. TRANUM: Well, what is it that they're not
- 12 understanding about the challenges that we have? I mean,
- 13 we can't process more if we have no staff.
- 14 UNIDENTIFIED SPEAKER: That -- See, I just love
- 15 the enthusiasm.
- MS. TRANUM: I mean, yeah. I don't understand
- 17 it.
- 18 UNIDENTIFIED SPEAKER: -- answer all of these
- 19 questions. But I can't get into the minds of others.
- 20 All I can do is continue to do what I do. And that
- 21 is to request help, okay. So, I don't have all the

1 answers. That's why I'm going today and tomorrow to

- 2 plead our case.
- 3 MS. TRANUM: I hope you can make an impact. I
- 4 do.
- 5 UNIDENTIFIED SPEAKER: Yeah. I mean, it -- We
- 6 could always write a letter to your legislators About
- 7 the plight of the board. So, I mean, we're doing great
- 8 work. We've made a lot of major changes here as a board
- 9 for the good of our procedures and most importantly, for
- 10 the good of the patients. You know, public safety.
- 11 We'll increase that tremendously. But, it's still
- 12 putting a hold on us right now because we don't have
- 13 enough staff and money to do the things we want to do.
- 14 Because we want to hire --
- 15 MS. TRANUM: Yes.
- 16 UNIDENTIFIED SPEAKER: We don't want to hire
- 17 anyone. We want to hire individuals that come with
- 18 skills to help us move this along, right? So --
- 19 MS. TRANUM: And I do think for the manpower we
- 20 do have that we're doing a great job. I mean, I know
- 21 there are complaints. But I just think everybody works

1 hard and I think everybody is doing the best that they

- 2 can.
- 3 UNIDENTIFIED SPEAKER: Yes. And, you know,
- 4 like our phone system. You know, we just got a notice
- 5 (that, you know, we only have six weeks to change our
- 6 phones. Right now it's four weeks to change our phone
- 7 system because we (indiscernible). So, and that's what
- 8 we will do. Because we want to continue. So, we're
- 9 working on that. So, working the best we can with what
- 10 we --
- 11 MS. TRANUM: Okay. Okay.
- 12 MR. HICKS: So, two things. One, is there a
- 13 motion to approve the fiscal management quarterly report?
- MS. HAYWARD: Hayward.
- 15 MR. HICKS: Gibbons-Baker -- or, Hayward.
- 16 All in favor?
- MR. HICKS: Opposed?
- 18 (No opposition)
- 19 MR. HICKS: Motion carries. Understanding
- 20 where we are from a fiscal perspective and where Maxine
- 21 in terms of raising rates as one avenue to help get us

- 1 out of this deficit. I'm going to propose or ask the
- 2 board if somebody would like to make a motion to develop
- 3 a change in our fee structure that we could utilize to
- 4 take to legislators or fiscal or the secretary or whoever
- 5 will hear it with proposals of what those changes would
- 6 look like for all of our licensees and certificate
- 7 holders. So, understanding that it would just be simply
- 8 a proposal that we could draw up and then obviously
- 9 present to you all as a board before we present it to
- 10 anyone else. You know, we'll see what happens to try to
- 11 move forward.
- 12 UNIDENTIFIED SPEAKER: Yeah, you can propose
- 13 amendments to the regulations and the fees. And I $\operatorname{\mathsf{--}}$ You
- 14 know, the worst that will happen is that the secretary
- 15 and AELR will deny it. But, I mean, you have the
- 16 authority to move forward with developing amendments to
- 17 your regulations and submitting.
- 18 UNIDENTIFIED SPEAKER: (Indiscernible). So,
- 19 just asking for it.
- 20 UNIDENTIFIED SPEAKER: Right.
- 21 UNIDENTIFIED SPEAKER: Present something

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1 (indiscernible).
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- 2 UNIDENTIFIED SPEAKER: Right.
- 3 MR. HICKS: Being almost a formal request.
- 4 So if someone wants to make the motion?
- 5 UNIDENTIFIED SPEAKER: I'll make the motion.
- 6 MR. HICKS: Alma.
- 7 UNIDENTIFIED SPEAKER: I'll second.
- 8 MR. HICKS: All in favor?
- 9 ALL: Aye.
- 10 MR. HICKS: Opposed?
- 11 (No opposition)
- MR. HICKS: Motion carries. So, we'll work on
- 13 what that fee structure would look like and bring it back
- 14 to the board for review. All right. Thank you.
- MS. TRANUM: Thank you.
- MR. HICKS: Hang in there.
- MS. TRANUM: Okay.
- 18 MR. HICKS: All right. We're going to move
- 19 down to Item 10. Heather, is Ms. McDonald or Ms. Paige
- 20 Barocca here? Or online?
- 21 MS. McDONALD: Yes, sir. This is Kaitlyn

- 1 McDonald. I'm here. I am not sure Paige is, because I
- 2 can't see everybody's names.
- 3 MR. HICKS: Okay. I understand that you wanted
- 4 to address the board this morning?
- 5 MS. McDONALD: Sure. And let me introduce
- 6 myself again. My name is Kaitlyn McDonald. I'm grateful
- 7 to you and to the board for letting me address you today.
- 8 I represent two organizations that have an interest in
- 9 the function of like (indiscernible) direct-entry
- 10 midwives here in Maryland. One actually mentioned
- 11 earlier is the Association of Independent Midwives of
- 12 Maryland, which is the professional association for
- 13 Maryland's (indiscernible) institution midwives. Our
- 14 membership includes both Limes and Nurse-Midwives who
- 15 primarily provide services in a home birth or out of
- 16 institution setting.
- 17 MR. HICKS: Ms. McDonald?
- 18 MS. McDONALD: I also represent a patient to
- 19 (indiscernible) group for Maternal Health Services,
- 20 Maryland Families for Safe Birth. And this is going to
- 21 be kind of like our consumers for the home birth

- 1 community.
- 2 MR. HICKS: Ms. McDonald?
- 3 MS. McDONALD: I'm sorry.
- 4 MR. HICKS: I'm sorry. Can you hold on one
- 5 second?
- 6 MS. McDONALD: Sure. No problem. There's
- 7 someone in the room, so we're just trying to understand.
- 8 MS. WILLIAMS: I'm Nikki Williams. I'm the
- 9 president of AIM that she mentioned, so.
- 10 UNIDENTIFIED SPEAKER: Okay.
- 11 MR. HICKS: I'm sorry.
- MS. WILLAIMS: I will be addressing
- 13 (indiscernible).
- MR. HICKS: Speak up a little bit louder.
- MS. WILLIAMS: Nikki Williams, the president of
- 16 the Association of Independent Maryland Midwives.
- 17 MR. HICKS: All right. So, Ms. McDonald, just
- 18 so you know, Ms. Williams is in the room.
- 19 MS. McDONALD: Great. Thank you. Hi, Nikki.
- 20 So, and I'm happy because there's two issues we just
- 21 wanted to raise to the board's attention for your

- 1 consideration and hopefully, you know, work on going
- 2 forward for some clarification on these two points.
- 3 (Indiscernible) and then since we do have Nikki and
- 4 Paige, some of our actual practicing LDMs, they would be
- 5 able to speak in a little bit more detail. But, so, the
- 6 first has to deal with our midwifery students, primarily
- 7 LDEM midwifery students and seeking some clarification
- 8 around the exemption in how the DEM Practice Act where a
- 9 student can, you know, has been exempted from needing a
- 10 license to practice midwifery when there in an approved
- 11 educational program and provided services under the
- 12 supervision of a licensed midwife. So, you know, a
- 13 couple things have happened since our initial licensure
- 14 legislation passed in 2015. A subsequent bill was passed
- 15 in 2018 that updated the different educational paths that
- 16 a CPM or an LDEM can take for licensure in Maryland to
- 17 include the Bridge Program through our certifying body,
- 18 NARM, the North American Midwifery Registry if I have
- 19 that right. So, here's our issue. For licensure
- 20 purposes, all our education programs, whether it be a
- 21 unique accredited school or either the Bridge Program

- 1 through NARM, you know, all about the paths that we have
- 2 had LDEMs successfully teach licensure in the state.
- 3 Where we're seeing a little bit of a disconnect is when
- 4 we have students working with our licensed midwives as
- 5 part of their training. We've had some issues where
- 6 they've been seen as practicing midwifery without a
- 7 license. So, all we're really seeking is a clarification
- 8 that all of those educational programs that are listed in
- 9 the statute and all their components are viewed as valid
- 10 educational programs for that exemption. You know, we
- 11 did discuss this in the LDEM Advisory Committee as Monica
- 12 mentioned at the November meeting. And we though, you
- 13 know, one proposal that the board may want to consider to
- 14 help clarify this is to update the underlying regulations
- 15 to reflect the same language that's currently included in
- 16 the statute. It was my understanding from the board that
- 17 that's something that's been under consideration, it just
- 18 hand, you know, gone through the, you know, the full
- 19 regulatory processes in the Department of Health. AIMS,
- 20 MSSB as interested parties are happy to work with the
- 21 board to kind of develop that language or pull it from

- 1 statute or whatever we can do to help whatever either the
- 2 full board or community advisory sitting. So, that's the
- 3 first issue. Just seeking clarification on that so our
- 4 students know what they can and can't be doing when
- 5 they're in an educational program in Maryland.
- And, you know, the second issue is somewhat related,
- 7 but also has to do with, you know, members of our
- 8 midwifery community who are not necessarily full midwives
- 9 yet. And that has to deal with our birth assistants.
- 10 So, again, going back to our original Practice Act passed
- 11 in 2015, at the time, language was included that requires
- 12 an LDM at that time of delivery to have a second
- 13 individual there. So, you know, it just says a second
- 14 individual who -- And the only requirement is that they
- 15 are trained and able to perform a neonatal resuscitation.
- 16 And it doesn't really, you know, have much detail beyond
- 17 that. And it's my understanding this is pretty standard
- 18 practice not only for our direct-entry midwives but for
- 19 Nurse-Midwives as well. And all our midwives are
- 20 practicing in the state. And, you know, there was some
- 21 discussion at the time the bill was passed about whether

- 1 we should require two midwives or we just have a midwife
- 2 and an assistant. Ultimately, it was decided that just a
- 3 second individual in that assistant role would be
- 4 appropriate. But partially because we were concerned we
- 5 wouldn't have sufficient direct-entry midwives that they
- 6 would have two at every birth. So, you know, that's
- 7 obviously something that our (indiscernible) is not
- 8 exactly complying with since licensure began in 2015.
- 9 What has happened is there's been some recent cases where
- 10 the (indiscernible) practice or (indiscernible) or
- 11 services those assistants can provide during delivery and
- 12 birth have come into question. And, again, we're just
- 13 coming to the board to kind of raise that as an issue for
- 14 discussion and hopefully seek some clarification because
- 15 what is happening is because the individuals who often
- 16 have been assistants, if they are unclear on what they
- 17 can and can't do at a delivery, one, they may not want to
- 18 act as assistants, which makes it difficult for us to
- 19 comply with the law since we have to have them present
- 20 or, alternatively, they are acting as assistants but then
- 21 they hesitate or be unclear about what they're allowed to

- 1 do, you know, in a healthcare situation. And obviously,
- 2 that can lead to some public health issues. So, again,
- 3 whatever the board thinks is appropriate, whether we kind
- 4 of discuss clarifications with the board or through the
- 5 Advisory Committee, we did just want to flag these two
- 6 issues because they are having an impact on how our
- 7 midwives are practicing in Maryland and our ability to
- 8 retain assistants and, you know, and our ability to
- 9 practice. So, that's kind of a broad overview. Again, I
- 10 know we have some of our LDM present here today who may
- 11 be able to provide a little more detail as actual
- 12 practitioners. So, I'm happy to answer any questions
- 13 and, again, appreciate your time this morning.
- 14 MS. WILLIAMS: That is an accurate overview of
- 15 what's going on, those two separate issues, a discrepancy
- 16 between what was revised in 2018 and what is actually,
- 17 like, codified law. And then, of course, if you would
- 18 like to add some clarifying language. It could be as
- 19 simple as one sentence that clarifies what the second
- 20 person that is required at a birth can do. And I don't
- 21 know, especially following the whole fiscal discussion,

- 1 if we want to go down the road of licensing birth
- 2 assistants and all that goes with that or if we want to
- 3 just add a sentence that will then guide midwives and
- 4 regulators as to what a second person, second trained
- 5 person at a birth, whether it's with a Certified Nurse-
- 6 Midwife or a Certified Midwife or a Certified
- 7 Professional Midwife or for an LDEM, what they are
- 8 expected to do and cannot do.
- 9 MR. HICKS: Thank you. All right. So, thank
- 10 you both for presenting this morning. We'll take that
- 11 information that you provided into consideration and, you
- 12 know, we'll work through the committee to make sure that
- 13 they can look into your concerns. All right. Thank you.
- 14 All right.
- MS. McDONALD: Thank you.
- 16 MR. HICKS: I will -- All right. I will now
- 17 open up the floor to anyone else that may want to address
- 18 the board. All right. Hearing none, I'm going to -- In
- 19 a moment, I'm going to ask if there is a motion to close
- 20 the open session. But first, I'm going to walk us
- 21 through the written statement that is required by the

- 1 Open Meetings Act to ensure that all board members agree
- 2 that (indiscernible). As documented in the written
- 3 statement, the statutory authority to close this Open
- 4 Session and meet in Closed Session is General Provision
- 5 Article 3-305(b)13, which gives the Board the authority
- 6 to close the Open Session, to comply with the specific
- 7 constitutional statutory or judicial imposed requirement
- 8 that prevents public disclosures about a particular
- 9 matter or proceeding. The topic to be discussed during a
- 10 closed session is applications for licensure and/or
- 11 certification. The reason for discussing this topic in
- 12 closed session is to discuss confidential matters that
- 13 are prohibited from public disclosures by the Annotated
- 14 Code of Maryland, Health Occupations Article Sections 8-
- 303(f), Health Occupations Article 8-320(a), Health
- 16 Occupations Article 1-401, and General Provisions Article
- 17 4-333. In addition, the board may also perform quasi-
- 18 judicial and administrative functions involving
- 19 disciplinary matters during the closed session. Is there
- 20 a motion to close this open session pursuant to the
- 21 statutory authority and the reasons cited in the written

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1
   statement, or any discussion thereof?
              MS. STENBERG: Steinberg.
 2
 3
              MR. HICKS: Steinberg.
              MS. HAYWARD: Second, Hayward.
              MR. HICKS: Hayward. All in favor?
 5
 6
              ALL: Aye.
 7
              MR. HICKS: Opposed?
 8
                        (No oppositions)
 9
              MR. HICKS: Motion carries. Thank you,
    everyone. Have a great day. Board members, we will be
10
    convened at 10:30.
11
12
              (Whereupon, at 10:30 a.m. the open session was
13
    adjourned.)
14
15
16
17
18
19
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21
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1	CERTIFICATE OF NOTARY		
2	I, SABRINA BOYD, a Notary Public of the State of		
3	Maryland, do hereby certify that the proceedings were		
4	recorded via audio by me and that this transcript is a		
5	true record of the proceedings. I am not responsible for		
6	inaudible portions of the proceedings.		
7	I further certify I am not of counsel to any of		
8	the parties, nor an employee of counsel, nor related to		
9	any of the parties, nor in any way interested in the		
10	outcome of this action as witness my hand and notarial		
11	seal this 25th day of January, 2023.		
12			
13			
14			
15	Sabrina Boyd, Notary Public		
16	in and for the State of Maryland		
17			
18			
19			
20			
21	My commission expires: July 21, 2024		

Script for Closing Open Session

In a moment, I am going to ask if there is a motion to close the open session, but first I am going to walk us through the written statement that is required by the Open Meetings Act to ensure that all Board members agree with its contents.

As documented in the written statement, the statutory authority to close this open session and meet in closed session is General Provisions § 3-305(b)(13), which gives the Board the authority to close an open session "to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular matter or proceeding." The topic to be discussed during closed session is applications for licensure and/or certification. The reason for discussing this topic in closed session is to discuss confidential matters that are prohibited from public disclosure by the Annotated Code of Maryland, Health Occupations Article § 8-303(f), Health Occupations Article § 1-401 et seq., and General Provisions Article § 4-333. In addition, the Board may also perform quasi-judicial and administrative functions involving disciplinary matters during the closed session.

Is there a motion to close this open session pursuant to the statutory authority and reasons cited in the written statement or any discussion thereof?

MARYLAND STATE BOARD OF NURSING

Presiding Officer's Written Statement for Closing a Meeting under the Open Meetings Act (Md. Code Ann., Gen. Prov. § 3-305)

1.	Recorded vote to close the meeting: Date: 1/25/23 Time: 10:12 am Location: Maryland Board of Nursing, 4140 Patterson Avenue, Baltimore, MD Motion to close meeting made by: 9fein burg Seconded by Haycound Members in favor: Cassidy, Lechlifer Gibbons - Baker, Turner, Hayword flicks, sken Opposed: None Abstaining: None Abstaining: None	bers, J. Hill,
2.	Statutory authority to close session. This meeting will be closed under Md. Code Ann., Gen. Prov. § 3-305(b) only:	Ritlet, Our vinceres
	(1)	

Maryland State Board of Nursing Closing Statement, Page 2 of 2

Date: 1/25/23

 For each provision checked above, disclosure of the topic to be discussed and the Maryland State Board of Nursing's reason for discussing that topic in closed session.

Citation	Topic	Reason for closed-session discussion of topic		
3-305(b) (13) Applications for licensure and/or certification		To discuss confidential matters prohibited from public disclosure by Md. Code Ann., Health Occ. sections 8-303(f), 8-320(a), 1-401 et seq. and General Provisions section 4-333.		
§ 3-305(b) ()				
§ 3-305(b) ()				
	8.			

4. This statement is made or adopted by Officer, Maryland State Board of Nursing.

, Presiding